

Borough of Clementon

Planning/Zoning Board

May 13, 2021 Meeting Minutes

The May 13, 2021 meeting of the Clementon Planning/Zoning Board was called to order by Vice Chairman Kunkel. 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 by Vice Chairman Kunkel at 19:04hrs

Roll Call: Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Armbruster, Member Lofland, Member Kuns, Member Saunders Solicitor Rhodes, Engineer Anthony Di Rosa; here Mayor Weaver, Member Shover; absent

Vice Chairman Kunkel announced first item on agenda minutes of March 11, 2021 & April 8<sup>th</sup>, 2021, does anyone have any corrections or comments regarding these minutes? Hearing none can we make a motion to approve the minutes?

Member Saunders motioned to approve minutes for both March & April, 2<sup>nd</sup> by Secretary McKelvey and roll call was called; All members Ayes

*Member Kuns:* Announced he had a few questions on old business, the March minutes regarding Mr. DiRosa, about escrow on page 4

*Miles Dumbleton:* Member Kuns I can attest to that, that has been paid for.

*Member Kuns:* Ok I have another question, April's meeting did we decide regarding the antennae's if they will need a site plan?

*Anthony DiRosa:* I don't believe there is a site plan necessary, because, if I can remember correctly they are just replacing the equipment that are on the buildings there are no new buildings, just new brackets and new equipment.

*Member Armbruster:* We did discuss that in an Engineer's meeting I had earlier, Borough will be requesting blue prints be submitted to Engineer for review and approval. They must have approval before doing any work.

*Vice Chairman Kunkel:* Ok let's go on to the first item on the agenda 125 Chewslanding Rd fence variance, is this subject present?

*Rui Graixinha:* Yes, I am.

Solicitor Rhodes swore the resident in Rui Graixinha state your name and address please

Rui Graixinha 125 Chewslanding Rd Clementon, NJ, I am asking to have a variance for a 6ft fence there is a previous fence, white picket that is deteriorating and I would like to replace it with a 6ft white vinyl fence. I have a 4 yoa daughter and my rear neighbor and side neighbor have dogs, and I fear for the safety of my child and cosmetically will look better.

*Solicitor Rhodes:* Are dogs just on two sides of the yard?

*Rui Graixinha:* The rear and one side left hand side

*Vice Chairman Kunkel:* What type of fence?

*Rui Graixinha:* 6ft by 8ft white vinyl fence

*Vice Chairman Kunkel:* So, by the plot survey you are proposing to put the fence to the right side of your property across the rear and up the left side? Are you putting a gate there? Will you be taking down the existing fence?

*Rui Graixinha:* Yes, the gate entrances will be the same, and yes will be taking down the existing fence.

*Vice Chairman Kunkel:* To the rear it looks like a bunch of foliage, are you going to take that up to put fence in?

*Rui Graixinha:* I already cleaned that up, it is all gone, the neighbor in the back cleaned his side also.

*Vice Chairman Kunkel:* So, this will close in your entire back yard?

*Rui Graixinha:* Yes, it will

*Vice Chairman Kunkel:* Any other questions from the Board?

*Member Kuns:* Is this going to be a solid fence? And you are going to have it installed professionally?

*Rui Graixinha:* Yes, it is, yes, the company will come out and install it Fence USA

*Vice Chairman Kunkel:* Is there anyone in the audience regarding this fence variance?

*Solicitor Rhodes:* I have a couple questions are there any other fences that this fence would butt up against?

*Rui Graixinha:* My neighbor has a 4ft wooden fence that he agreed to take down and use my fence.

*Solicitor Rhodes:* So, you would agree to a condition that, that fence be removed, as part of the approval?

*Rui Graixinha:* Yes, correct I will

*Chairman Feldman:* I see on your survey, that your fence is almost 9 1/2 feet off your property line, but on your sketches coming off the house but isn't dimensioned.

*Rui Graixinha :* They told me to draw it that way with the pre existing fence, so I just drew it the way I saw it

*Chairman Feldman:* What I am asking is it going to be on your property line or what is on the survey?

*Rui Graixinha:* It will be along my property line. I had to take out a lot of shrubs and weeds to clear it out so that I can put it along my property line.

*Vice Chairman Kunkel:* Any other questions? Hearing none can we get a motion to approve this application?

Member Lofland motioned to approve 2<sup>nd</sup> by Member Kuns and motion was carried out upon roll call; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Lofland, Member Kuns, Member Saunders; Ayes

Solicitor Rhodes explained to Rui the 45-day appeal process and the resolution will be adopted at next month's meeting.

*Vice Chairman Kunkel:* 56 Highland Ave I was told that their application was not complete to hear at this meeting, it will be postponed till next meeting.

*Miles Dumbleton:* His advertisement can that be good for next meeting?

Solicitor Rhodes made announcement that the fence variance for 56 Highland Ave will be heard at next month's meeting and we will waive the advertisement.

*Vice Chairman Kunkel:* Ok, next on the agenda is Clementon Park and Splash World, is there anyone here for that?

*Miles Dumbleton:* I will call Dan maybe we can move onto the next item.

*Vice Chairman Kunkel:* Next item Speed Mart 54 Park Blvd Sukh Jindel Singh (Sonny) is there anyone here for that application.

*Sonny Singh:* Yes, I am here

Solicitor Rhodes swore Sonny in, tell us what is going on?

*Sonny:* Explained to the Board that he bought the store and took a while to get appointment to get fingerprinted and in the mean time the Borough closed him down.

*Vice Chairman Kunkel:* On the application you have 54 Park Blvd as the mailing address, do you have a different mailing address?

*Sonny:* Yes, 5 Oak Ave Voorhees, NJ

*Vice Chairman Kunkel:* Also, on application you have hours of operation 6am-9pm but no days listed

*Sonny:* I am sorry it is 7days a week Monday thru Sunday same hour

*Vice Chairman Kunkel:* How many employees will you have on premise?

*Sonny:* We should have 2 employees, 1 manager and I will be doing the paperwork, bookkeeping

*Vice Chairman Kunkel:* Will you be keeping the same merchandise that Jay had in there? How about the lottery tickets do you have the state approval to sell?

*Sonny:* We will be keeping same just changed lighting and upgraded shelving, and yes I have letter from State of NJ to sell tickets

*Vice Chairman Kunkel:* What is this on application that there are propane tanks there?

*Sonny:* Yes, we did have propane tanks there, but I was told by Mile that we have to apply for a different permit, we put the cage behind the building for now, and not use until it is approved

*Vice Chairman Kunkel:* What about the signage there are you doing anything to improve it?

*Sonny:* The sign is staying the same just changing out the facing.

*Member Armbruster:* What area when you seek the permit for the propane are you placing it?

*Sonny:* I would place it on the side of the building

*Vice Chairman Kunkel:* How will you be doing trash removal? All the lighting on the outside is going to be maintained?

*Sonny:* Well Jay never had a dumpster there but we got one 3 weeks ago, and yes the outside lighting will be maintained.

*Vice Chairman Kunkel:* Any other questions from the Board?

*Miles Dumbleton:* Where you are putting the tanks on the side of the building there is parking on that side will you put up barrier protection?

*Sonny:* Yes, we figured that the Fire Marshalls Office will want them installed.

*Member Armbruster:* Just want it on record that the placement of the propane tanks meets state, county, and local requirements.

Vice Chairman Kunkel asked for a motion to approve, Secretary McKelvey motioned 2<sup>nd</sup> by Member Lofland and motion was carried upon roll call; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Armbruster, Member Kuns, Member Lofland, Member Saunders; Ayes

*Vice Chairman Kunkel:* Ok next on the agenda is Mi Pueblito Restaurant 1 Berlin Rd.

Solicitor Rhodes swore both translator Abraham Torres and Yeseni Marisol Ruiz, applicant does not speak English. Tell us what is going on with the business. What type of business is this?

*Abraham Torres:* They shut down the business because there was no mercantile application done for change of owner. It is a Mexican authentic restaurant.

*Solicitor Rhodes:* Does this establishment have a liquor license?

*Abraham Torres:* No, it does not, there will be no sale of alcohol.

*Vice Chairman Kunkel:* How many employees will you have there? There is limited parking there will they be driving in their own vehicles?

*Abraham Torres:* 4 to 5 employees total, they will be coming in their own vehicles.

*Vice Chairman Kunkel:* What are the hours of operation? What type of signage are you proposing? How will you be doing trash disposal?

*Abraham Torres:* Monday through Friday 10am-10pm Saturday and Sunday 8am-10pm will be serving breakfast on weekends. We will be using the same sign that is out there just change the name. We have dumpster that we will be using.

*Member Lofland:* Is this going to be eaten in or take out only?

*Abraham Torres:* It will be both

*Miles Dumbleton:* Have you spoken to the Fire Marshalls office regarding open violations and the Co from fire safety? Make sure you contact hem to take care of all this

*Abraham Torres:* Yes, will do, Miles did you get the sanitary inspection yet. I have and will forward.

*Vice Chairman Kunkel:* Any other questions from the Board? In order to approve this there are some conditions that need to be completed, can we approve this without these conditions being done?

*Solicitor Rhodes:* We can advise this Board and Council that there are conditions to this application

*Vice Chairman Kunkel:* Miles can you state these conditions so that we have them on record

*Miles Dumbleton:* Fire violations, report and Board of Health Certificate

*Vice Chairman Kunkel:* So, these two are the only outstanding conditions?

*Miles Dumbleton:* Correct

*Chairman Feldman:* Miles council will be aware of these conditions? That is my only concern

*Miles Dumbleton:* Yes, they will

*Vice Chairman Kunkel:* Can I get a motion to approve this application with the conditions noted? Secretary McKelvey motioned to approve 2<sup>nd</sup> by Member Lofland and roll call was called upon;

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

*Solicitor Rhodes:* Abraham, we have approved this to pass on to council for approval, subject to meeting those conditions, and we wish them the best of luck

*Vice Chairman Kunkel:* Anyone here for Clementon Park?

*Dan Jankowicz:* We are here for a mercantile for the park with the new owner Mr. Fawks has submitted the application I don't know if we are missing anything, or what we need to do I know there are things still pending, we just received ownership and are now moving forward for an opening date.

*Vice Chairman Kunkel:* Do you have a proposed date?

*Dan Jankowicz:* I know we are set to do the bonding, and grounding for the pools this Monday. They will be giving us the certifications that same day.

*Vice Chairman Kunkel:* I notice that there are two addresses on here 144 Berlin Rd and PO Box 125 Clementon. Will there be an on-site manager? Will you be living in the house?

*Dan Jankowicz:* Yes, that would be me, yes, I will be living in the house

*Vice Chairman Kunkel:* So, what is still pending to open the park?

*Dan Jankowicz:* We have submitted everything.

*Member Armbruster:* According to this application that was submitted, most of this is from the park in Indiana, very little for Clementon Park. The only thing is for the amusement games. Are you planning on using the liquor license there?

*Dan Jankowicz:* They were not going to use the liquor license until it is approved for the transfer.

*Miles Dumbleton:* Mark, the liquor license is going to take a while from the state for the transfer so I was told they were going to use it at a later date.

*Dan Jankowicz:* So, we will have to wait on that and do an addendum to the mercantile application.

*Member Armbruster:* Also, do you have to get some type of inspections through the Board of Health for the food areas.

*Dan Jankowicz:* Yes, we have submitted applications to the Board of Health waiting to get those inspections. They are going to do both pools and all the food stands.

*Member Armbruster:* Do you have to get the rides inspected by the state?

*Dan Jankowicz:* We are in the process we are waiting for them to come out and they will inspect every ride.

*Miles Dumbleton:* Is there a state amusement ride license?

*Dan Jankowicz:* We are waiting for them to release the permits so that the rides can get inspected by the state.

*Vice Chairman Kunkel:* Will you be doing any construction?

*Dan Jankowicz:* No, we were talking about doing an arcade but we don't know and have not submitted any permits. We will be doing maintenance repair asphalt and concrete repair.

*Chairman Feldman:* Has occupancy capacity been determined?

*Dan Jankowicz:* We have submitted that in the past I have a letter our occupancy, not sure of exact number but its like 9,867 if I can remember correctly its right around there.

*Chairman Feldman:* Who makes that determination?

*Dan Jankowicz:* We had a third party do that I have the paperwork somewhere in my file.

*Miles Dumbleton:* How old is that occupancy load?

*Dan Jankowicz:* About 5 years old maybe 6 or 7

*Chairman Feldman:* Do you plan to submit that with the approval of this mercantile license to council? It might come in handy

*Dan Jankowicz:* If need be I will

*Chairman Feldman:* I see that you are lacking hours and days of operation

*(Dan Jankowicz lost connection to zoom)*

*Member Armbruster:* I had a few questions about the parking and if they are charging and how they can do it differently to stop the traffic and safety issues at the entrance on Berlin Rd.

*Miles Dumbleton:* I spoke with Gary last week the owner and if I remember correctly they wanted to open Memorial Day weekend and just be open weekends till sometime in June then 7 days a week but no hours given. But it might be different if Dan gets back on.

*Solicitor Rhodes:* Explained since it has been zoned in the past we can not hold back a mercantile to something that was already zoned

*Member Armbruster:* That was in the past the problem is that they are now charging for parking and that is what is creating the traffic issue.

*Chairman Feldman:* All they have to do is to have them pay on the way out that would solve all these issues.

*Member Armbruster:* That would work, because in the past we had cars parking on public streets and creating a traffic problem where we had to post no parking signs on residential streets.

Members went on to discuss all the inspections that still need to be completed and licensing that is not complete at the Park.

*Member Lofland:* Do we need to have a motion for a temporary mercantile?

*Chairman Feldman:* I think that council can do that on a temporary basis with this Boards recommendation. I want to mention to everyone here the income and retable's Clementon Park to the municipality doesn't change whether they are open or closed. So, it really isn't to our benefit if they do open.

*Member Armbruster:* Yes, I understand that Joe, but the retables from Clementon park is not what people think it is. The tax assessment can't be based on any structure that can be moved or unbolted. The rides or the buildings. Clementon doesn't pay any more taxes then the Rite Aid on the WHP.

*Vice Chairman Kunkel:* Ok, I think we can make a motion to send this to council, for a temporary mercantile, the applicant will have to come back and answer more questions, before a permanent mercantile, and he should be noticed of our decision and correct the issues.

*Chairman Feldman:* That is fine I will make the motion 2<sup>nd</sup> by Secretary McKelvey and roll call was called upon; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Armbruster, Member Kuns, Member Lofland, Member Saunders; Ayes

*Vice Chairman Kunkel:* Ok zoning report do you have anything Miles?

*Miles Dumbleton:* No, just what I spoke about earlier Gambale concrete, and 74 Erial Rd.

Dan returned to the meeting

*Vice Chairman Kunkel:* Dan what we have discussed that there are many issues but we will be forwarding to council for a temporary mercantile, we will not issue a permanent mercantile until we have these issues resolved. You will have to come back and answer some more questions we have. Right now we feel it is not complete enough for our approval.

*Dan Jankowicz:* Do you have a list so that I can write down?

*Chairman Feldman:* Before you got booted out I was concerned about the days and hours of operation.

*Dan Jankowicz:* It will be like last time Memorial Day to Labor Day but won't be open every day until the end of June, when school lets out but only run through to Labor Day. From 10a-10p approximately

*Chairman Feldman:* Well what does that mean.

*Dan Jankowicz:* Well we put that down to give a window will not be earlier nor later than the times. If we do fireworks will we have to request extended times during that period to have them start at 10pm?

*Chairman Feldman:* How many times you talking?

*Dan Jankowicz:* About 4 or 5 times, the holidays, Memorial Labor and 4<sup>th</sup> of July, and maybe 2 Saturdays in August and July.

*Chairman Feldman:* That will have to be quite specific to be part of the mercantile license application

*Member Armbruster:* Talked about noise ordinance and that council would have to approve the fire works along with the Fire Marshalls Office

*Vice Chairman Kunkel:* Ok in the past we have had a traffic issue on Blackwood Clementon Rd Berlin Rd, for the past few years we have noticed it more, because the park is charging for parking, and for people who don't want to pay for parking started parking in the neighborhoods. We have suggested that they pay on the way out or include it in with the ticket price.

*Dan Jankowicz:* Discussed about the parking and the traffic, to try and figure a way to not have issues with the backup. I will make the new owner aware of the Board's concerns.

*Chairman Feldman:* I was wondering if the post office site is still being considered as part of this mercantile license?

*Dan Jankowicz:* I believe it is all in the sale but don't think they are intending to use it except maybe on Saturdays, I know they are restriping the lot as it was, not making any changes, seal coat and re stripe to clean it up they are also doing across the street.

*Member Armbruster:* Chairman I believe that when this board made approval for parking there, there was a site plan to use this as a parking lot, that wasn't adhered to, not only landscaping improvement but remediation of the property and demolition of the existing building. None of that has been followed through with. That has been quite a few years now. If that use is going to be used there for employee parking, that they should make some effort to adhere with the site plan.

*Solicitor Rhodes:* Explained that if they did not comply with the site plan that the zoning officer can definitely write citations for that property.

*Member Armbruster:* So, the parking issue the old post office and the hours of operation will be conditions, I would like this Board to know that the new owner took great effort to pay up on the taxes water bill and the payments to the state for the dam.

*Member Lofland:* Is the sign going to stay the same?



*Dan Jankowicz:* If it was up to me No, but the new owner likes the nostalgic feel of the park, we talked about different things but have made no decisions to change it.

*Chairman Feldman:* If you make any changes to the sign you may need this Boards approval so keep that in mind.

*Solicitor Rhodes:* Read the 2 Resolutions that need to be approved 2021-08 100 Erial rd and 2021-09 Anchor Sign for 168 White Horse Pike. All in favor for these resolutions

*Member Armbruster:* Advised at last council meeting they have the funding for the Master Plan review so we will have to start to work with Bach and figure out the procedure we are going to do. Kevin Garrettson came to me he spoke to Dr. Gruber regarding the trees behind Borough hall, he would like to remove those trees and plant them with a different type, they are having problems with the balls and leaves getting on the flat roof. So, they wanted to talk to you and the shade tree commission, to see if they can come down and what to replace them with.

*Chairman Feldman:* Since you approved payment for master plan have you approved open space revisions

*Member Armbruster:* Yes

*Member Saunders:* Speaking of trees Miles, its not even his property

*Miles Dumbleton:* 2 Point Breeze I sent him a notice I will get in touch with you, about the cut off date but he still has a few days to comply. You are correct it is right on the edge of Borough property that belongs to open space.

*Vice Chairman Kunkel:* Can I have a motion to adjourn, Member Saunders motioned 2<sup>nd</sup> by Member Lofland and all in favor

Adrienne Guernon