

Borough of Clementon

Planning/Zoning Board

April 8, 2021 Meeting

The April 8, 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 1906hrs by Chairman Feldman.

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

Chairman Feldman announced we have five (5) Zoning members and six (6) Planning members, we have sufficient members to hear everything on tonight's agenda.

*Chairman Feldman:* There are no minutes to approve we have old business 100 Erial Rd Gregory Morrison, are you in attendance.

*Gregory Morrison:* Yes, I am here.

*Solicitor Rhodes:* You are represented by counsel?

Yes, I submitted a letter by fax today my name is Terry Stomel

*Solicitor Rhodes:* Ok, Mr. Stomel I assume your client will be testifying this evening?

*Mr. Stomel:* Yes

*Solicitor Rhodes:* (Swore the client in Gregory Morrison) Please state your name and address.

Gregory Morrison 100 Erial Rd. Clementon, nj

*Solicitor Rhodes:* Mr. Stomel please proceed.

*Mr. Stomel:* You made an application to the Clementon Planning/Zoning Board what was the reason for your application?

*Gregory Morrison:* To replace my fence.

*Mr. Stomel:* When you put in the application did you notify the proper neighbors pursuant to the Clementon Planning Board meeting? How did you do that? How many did you send out?

*Gregory Morrison:* yes, sir I did, by certified mail, I believe it was 17 totals.

*Mr. Stomel:* Did you also make legal notification to the newspaper? What newspaper was that? Did you supply any other documents like surveys, pictures, etc.?

*Gregory Morrison:* Yes, I did, the Courier Post. Yes, sir I did both.

*Mr. Stomel:* Have you received documents from Courier Post and neighbors that they received your letter, notice? Did you submit them to the Board?

*Gregory Morrison:* Yes, I have.

*Solicitor Rhodes:* Mr. Stomel we are going to mark the package looks like two photographs, a 2-part survey, (Exhibit A) in your presentation today, ok?

*Mr. Stomel:* Thank you, what was the condition of your fence before you replaced it?

*Gregory Morrison:* Extremely dilapidated, and I tried over the years to repair it, to make it safe for my children, those repairs failed so there was no other choice than to replace it.

*Mr. Stomel:* Can you explain what it looked like for the neighborhood?

*Gregory Morrison:* A rusty old chain link fence that was falling over. It was leaning it was crooked and totally unsafe. (Explained with video where chain link was what he replaced in the rear.) There is still chain link existing out front that is 4ft.

*Secretary McKelvey:* I have a question is that where you are asking to put the 6ft fence up?

*Gregory Morrison:* No, I already put the 6ft fence up, under the assumption that I didn't need a variance to replace my 4ft with a 6ft.

*Member Lofland:* Are you going to replace that part you just showed us the chain link?

*Gregory Morrison:* At some point I would like to, with a 4ft picket fence.

*Solicitor Rhodes:* Just so you know you are not allowed a solid fence, a picket fence would work a board on board would not., so on your application I am trying to understand where your 6ft fence starts. If I look at your submissions, you apparently have 2 frontages one on Scott Ave and one on Erial Rd. The House fronts on Erial Rd. is that correct? But your driveway is on Scott?

*Gregory Morrison:* Yes sir, yes sir

*Solicitor Rhodes:* Your property line is close how far past your garage does that 6ftb fence continue up towards Scott Ave?

*Gregory Morrison:* I would have to say 20-25 feet.

*Solicitor Rhodes:* So how much distance between your property line on Scott Ave and where the 6ft fence starts?

*Gregory Morrison:* About 10inches

*Solicitor Rhodes:* So, you brought that 6ft all the way up to your property line on Scott Ave?

*Gregory Morrison:* Yes, because that is where the existing chain link fence was.

*Solicitor Rhodes:* It runs from that point to your property line in the back of the garage?

*Gregory Morrison:* It runs the opposite side of my garage and my driveway is on the outside of that, so it does not touch the property line on the back side of the fence.

*Chairman Feldman:* Looking at the survey, it shows coming from the garage to Scott Ave, (inaudible) feet down Scott Ave and returning to the corner, from what I have seen from the video it appears the fence along Scott Ave. In fact, on Scott Ave about 2 feet, it looks like he is going right along the edge of the sidewalk. Which is typically about 2 feet off property line.

*Solicitor Rhodes:* So, you are saying that the fence is encompassing more than his property? Joe, are you saying that he is off his property line by 2 feet or infringing the right of way by 2 feet?

*Chairman Feldman:* Yes, it is encroaching from what I see on here and the video we saw.

*Gregory Morrison:* I just replace exactly where the chain link fence was. Same post holes everything, from when I purchased the house.

*Chairman Feldman:* Well, the chain link was probably encroaching, onto the municipal right of way. I thought I would mention it, so Peter understood.

*Solicitor Rhodes:* I understand

*Member Saunders:* So, does he need a variance to keep that fence where it is? Or does he have to move it back 2 feet?

*Solicitor Rhodes:* Well, we do not have the authority to allow him to have a fence in the right of way, so, that is beyond our authority, but if he is encroaching on the right of way, he needs to move the fence, within the proper perimeters of his property. I cannot tell from the submissions what that is and perhaps an appropriate survey would be able to tell us. This plan that you submitted Mr. Morrison is this a survey, or sections of a survey?

*Gregory Morrison:* That was the survey, from when I purchased the house.

*Solicitor Rhodes:* Based upon what you submitted here it looks like you have that 6ft solid fence that runs along some portion of Scott Ave. I do not know how many feet have you measured that? Or how many sections is that along Scott Ave?

*Miles Dumbleton:* It appears the fence all along Scott Ave. and even the chain link fence is encroaching on the right of way according to this survey.

*Member Saunders:* What is that about 60feet or so Miles?

*Chairman Feldman:* According to the survey the fence is encroaching 2.7 feet by the driveway, and 2.9 feet down by Erial Rd. If you look at the set back of the house at 51 and extrapolate that you can notice its almost the length of the fence along Scott Ave. So just based on that extrapolation I would venture to say its about 45-50 feet long along Scott Ave.

*Gregory Morrison:* It is 48-foot length of the stockade along Scott Ave.

*Solicitor Rhodes:* You took it from that corner to the garage is that where that fence stops? Just that L shaped area is what you are looking for the variance for?

*Gregory Morrison:* Yes sir. (showed video of fence going to garage in L shape).

*Chairman Feldman:* So, If I may again, if you look at the garage, he seems to be 5ft rear property line, the property line is 100, looks like fence is 75feet long based on what I see on the diagram.

*Gregory Morrison:* (showed video up the driveway to the garage).

*Solicitor Rhodes:* How long has this fence been in place?

*Gregory Morrison:* About a year and a half now. December 2020

*Solicitor Rhodes:* Have your neighbors complained about the fence?

*Gregory Morrison:* Actually, I have received compliments about the fence, that it looks better.

*Member Lofland:* Did you mean 2019?

*Gregory Morrison:* Yes mam, sorry about that (showed video all down drive along Scott Ave to where chain link starts to Erial Rd, then down Erial along the frontage)

*Member Saunders:* Was that fence hit by a car?

*Gregory Morrison:* I believe years ago; the neighbors have said.

*Members Saunders:* Does that chain link go to the frontage on Erial Rd?

*Gregory Morrison:* (showed video of corner of Scott and Erial Rd's. Shows 2 feet off property line)

*Solicitor Rhodes:* Mr. Morrison did you have someone install the fence or did you do it yourself? Hoe did you set the posts?

*Gregory Morrison:* I installed it myself. Everything is jest set in the ground, there is no concrete. There is concrete at the back gate, the 2-end post of the gate itself, so they wouldn't shift and the gate sag.

*Solicitor Rhodes:* Did you say you have pets? What pets do you have? How old are your children?

*Gregory Morrison:* Yes sir, I have one dog now since my other recently passed away. She is a beagle; my children are 6 and 7 yoa.

*Solicitor Rhodes:* Mr. Morrison are there any other 6ft solid fences on Scott Ave in your vicinity? How Far and what type of fence?

*Gregory Morrison:* Further up Scott Ave. yes, about 5 or 6 houses up towards the woods. It is same type of fence as mine.

*Solicitor Rhodes:* Those are all the questions I have.

*Member Saunders:* I am wondering if he puts a 4ft picket fence in the front of the house should that be 2 feet off sidewalk in the future?

*Solicitor Rhodes:* Well, it needs to be you can not put fence or other movable objects in the right of way.

*Member Lofland:* Since what is against Scott Ave. since it is not cemented in should that be moved back out of the right of way?

*Solicitor Rhodes:* We have no authority to approve him to put a fence in the right of way, if he were to get an approval, he would have to move it out of the right of way.

*Chairman Feldman:* Mr. Morrison is there any demographic feature that would require a 6ft fence, in lieu of 4ft fence.

*Mr. Morrison:* No sir other than the safety of my children.

*Chairman Feldman:* Are there any additional questions from the Board members? Hearing none I will now ask if there is anyone in the audience regarding this application? Hearing no response, I will turn it back to the Board, hearing no additional questions or comments can I get a motion to approve this application?

Member Saunders motioned to approve 2<sup>nd</sup> by Secretary McKelvey, and roll call was called upon.

*Member Lofland:* Should it have the condition that the fence along Scott Ave be removed from the right of way?

*Solictor Rhodes:* Like I said we do not have the authority to grant him permission to put a fence in the right of way so the only way to approve this is for him to move the fence back, so yes, it must be a condition of the approval if granted.

*Chairman Feldman:* Can we have a roll call.

Chairman Feldman, Secretary McKelvey, Member Lofland, Member Kuns, Member Saunders; Ayes

Solicitor Rhodes: Mr. Morrison you received approval, for variance for 6fy high stockade fence, unfortunately this Board has no authority to permit you to keep it in the right of way. You need to take it back two feet from the sidewalk is that correct Joe?

*Chairman Feldman:* If he follows the property line on site her will be set.

*Solicitor Rhodes:* So, you got your fence, but you will have to move it?

*Gregory Morrison:* I will take it. I appreciate you let me keep most of the fence I will move the fence along Scott Ave two foot over to satisfy you guys.

*Solicitor Rhodes:* I would maybe ask Chairman Feldman he is a surveyor, and it looks like one side is 2.7 feet and the other 2.9 feet, so you want to make sure you are not encroaching, so we don't have this encroachment.

*Gregory Morrison:* So, it is just the stockade fence not the chain link?

*Solicitor Rhodes:* The chain link is already there we can not blame you for that.

*Gregory Morrison:* When I replace with 4ft picket can I put in the same place as existing chain link?

*Solicitor Rhodes:* No, you want the picket fence to go in line with stockade when you move that back.

*Gregory Morrison:* Yes, that is true. Thank you very much have a good night.

*Chairman Feldman:* Is there anything else that this Board would like to discuss?

*Solicitor Rhodes:* We have the 5 resolutions, but if there are other issues to discuss.

*Missy:* There is a member in the audience I do not know what he is here for Mr. Torres

*Mr. Torres:* I am here helping a lady by the name of Marisol who has a restaurant on 1 Berlin Rd. she speaks no English, so I am here translating for her.

*Miles Dumbleton:* Mr. Torres she will be scheduled for the following meeting next month in May.

*Mr. Torres:* She received a call from Health department to get inspections?

*Miles Dumbleton:* I understand that, but it was not enough time to be on this month's meeting.

*Mr. Torres:* Ok when is that meeting.

*Miles Dumbleton:* May 13<sup>th</sup>.

*Chairman Feldman:* Are there any other questions or concerns from anyone in attendance this evening? Hearing none anything from the Board?

*Member Kuns:* I have a question the Fire Marshall letter, before we approve Resolution does that have to be addressed.

*Solicitor Rhodes:* I spoke with the Fire Marshall today about the context of his communication, he was hoping we could impose additional conditions on this. I informed him we cannot, only the conditions that were placed on the record at the time the application was heard, can be part of the resolution. I think we meet most of his concerns with the resolution you have anyhow cause the testimony that was given to us stated only 2 to 3 cars on the property at any given time. His main concern is there is apparently 40-50 cars there now. The applicant is going to have to remove those, because he is out of conformance, or come in for a use variance.

*Member Kuns:* And what about all the summonses?

*Miles Dumbleton:* He came into court last week and plead guilty to all those and paid the fines. He has also applied, requesting more cars, he did not make the deadline in time, so he will be on next month's meeting.

*Member Saunders:* The corner of Albertson and Point Breeze, there seems to have been some firewood dumped, and it is on the Borough property, right on the edge of the road. Should that not be moved onto the residence property and not on the Borough property? Miles:

*Miles Dumbleton:* I did not notice that I will look at that. I know Public Works remove a lot on the end of Albertson.

*Member Saunders:* No this is the resident on the corner that had an oak tree cut down and he piled it on Borough property along the road.

*Chairman Feldman:* Make sure Miles, you take a tax map out there to make sure where his ground is, and where Borough owns.

Solicitor Rhodes: Joe, we need to vote on the resolutions.

Chairman Feldman: Has everyone reviewed them in our packets or online, so we don't have to go over all of them?

Solicitor Rhodes: If everyone is comfortable, we can just vote on them, Miles?

Miles Dumbleton: Ok for the Resolution 18 Princeton Ave Kelly Rodrigues, June 13, 2019

Roll call: Chairman Feldman, Member Saunders, Member Kuns; Ayes; Member Lofland; Abstain.

Miles Dumbleton: Resolution 20 White Horse Ave Jan 21, 2021

Roll call: Chairman Feldman, Member Lofland, Member Kuns, Member Saunders; Ayes

Miles Dumbleton: Resolution 58 Albertson Ave fence variance July 11, 2019

Roll call: Chairman Feldman, Member Saunders, Member Kuns; Ayes, Member Lofland; Abstain

*Miles Dumbleton:* Resolution 342 South White Horse Pike Laurence Chi use variance December 12, 2019

Roll call: Chairman Feldman, Member Lofland, Member Saunders, Member Kuns; Ayes

*Miles Dumbleton:* Resolution 74 Erial Rd, Xtreme Auto Jan 20, 2020

*Solicitor Rhodes:* Just to remind you guys this was a use variance, preexisting non-conforming use, the issue was that have not been issued a mercantile license for a couple of years. We considered whether they had abandoned it at first and had decided they had not.

Roll call: Chairman Feldman, Member Lofland, Member Kuns, Member Saunders; Ayes

*Miles Dumbleton:* That concludes the resolutions.

*Chairman Feldman:* Any other issues or concerns

*Solicitor Rhodes:* Tony I had sent this to you today whether you had a chance to look at it one of the cell tower tenants is looking to upgrade and improve their situation there. They had written to the Borough, asking if they need to do any more then, just tell us about it. It seems to me that they are removing some structures, and adding different structures, and changing antennas. I think it is on the border of whether it needs a site plan.

*Anthony DiRosa:* I will look at that if they are replacing in place of, I do not see the need, but if they are adding any structures, impervious surfaces, or changing the location of the buildings, then I think they would need a minor site plan, to make sure everything conforms the zoning.

*Member Armbruster:* Anthony we discussed this in our engineering meeting with Mark this afternoon. My understanding is they are just changing the antennas on #9 well from 4G to 5G, there are concerns from the municipality concerning the structure and how they are mounting, but nothing on the layout and the structure, just the mounting points on well 9.

*Solicitor Rhodes:* Just let me know so I can back to them they would like to get started.

*Anthony DiRosa:* I will tomorrow talk to Mark to see what was discussed at the engineer's meeting, and I will let you know.

*Chairman Feldman:* Anthony any news on the master plan revisit?

*Anthony DiRosa:* I talked to Steve about the master plan, and that is all set to go. He did say that he knows that the township has set aside their verbally approved that work to be done. We are just waiting on either a resolution from council or a letter from the township Administrator confirming that just so that we do not begin work or submit a work product to you without having paper trail.

*Member Armbruster:* That was also discussed at our engineering meeting to do a resolution at our next meeting to go ahead with the master plan and approve funds and there was also a request from the environmental committee for an update of the open space plan. So, both of them should be on the next council meeting for approval.



*Anthony DiRosa:* I spoke to Steve regarding the Open Space plan and we will get that done in June, theirs applications of such that are due in August we want to get that done prior to any applications being made.

*Anthony DiRosa:* Just to update everyone there was a lot of discussion regarding the Leewood addresses, road names and how that is done. I want to point out that recently there was a letter written of all the addresses, the approved street names submitted to the county, moving forward I think that is the procedure we should have in place, for any other developments that come in. Just so we do not spin wheels again trying to figure out who is in charge. When that comes about again, we will revisit how we did it for this phase that way it goes a little quicker.

Members discussed the park and if all the properties were sold to same person. Discussion went on for a few minutes.

*Chairman Feldman:* Ask for adjournment all in favor at 815pm