

Borough of Clementon

Planning/Zoning Board

November 14, 2019 Meeting Minutes

The November 14, 2019 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 by Chairman Feldman at 19:04hrs

Roll Call: Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Kuns , Member Lofland, Member Saunders, Member Naurath, Churchill Engineer Bill Fleming, Solicitor Rhodes

All members signed the Land Use seminar paperwork for Solicitor Rhodes.

Chairman Feldman: *I am assuming that everyone read over the minutes from October's meeting? Are there any changes that need to be made to them? Everyone seems to be ok with them can I get a motion to approve October 10, 2019 minutes?*

*Vice Chairman Kunkel motioned to approve the October 10, 2019 minutes, seconded by Member Saunders and roll call was called upon; Chairman Feldman, Vice Chairman Kunkel, Member Armbruster, Member Lofland, Member Kuns, Member Saunders; Ayes, Secretary McKelvey, Mayor Weaver, Member Naurath; Abstain*

*Member Kuns discussed indemnification ordinance because they are a judiciary committee. This was in reference to Jif Documents they read prior*

Vice Chairman Kunkel: *The question is should it be read in our opening statements?*

Solicitor Rhodes: *I don't think it is necessary*

Chairman Feldman: *New business this evening is a mercantile application for Pesteá Café, anybody here regarding that application? No? Once again, anyone here? Ok move on*

Solicitor Rhodes: *We have two (2) resolutions 2019-03 reference to applicant at 235 Garfield Ave appeared before us for a fence variance you have the resolution before you with no changes or corrections except for the one Member Lofland mentioned earlier.*

*Roll call was called upon: Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Lofland, Member Kuns, Member Saunders, Member Naurath; Ayes, Member Armbruster, Mayor Weaver; Abstain*

Solicitor Rhodes: *Resolution 2019-04 reference to 168 White Horse Pike, they came before us September 12<sup>th</sup>, 2019 for a preliminary and formal site plans, drafted a resolution that I circulated if you have questions on this we should stop there.*

Chairman Feldman: *Any questions, comments, or changes needed to be made to this resolution?*

Chairman Feldman: *audible...*

Solicitor Rhodes: *will eliminate the reference*

Member Armbruster: *Item 14 referencing the sidewalks on Ohio Ave, I thought they would be required to do sidewalks through Borough Ordinance and council has to approve or disapprove.*

Mayor Weaver: *I believe it's the stipulation in #14 the contributions will be under municipal funds to install sidewalks but the sidewalks were going to be installed on opposite side of property.*

Member Armbruster : *I believe the Ordinance requires it to be brought in front of Council not this board. With any new construction Municipal codes*

Miles Dumbelton: *Its under Chapter 245 streets and sidewalks, it states that the Council can order to make repairs would have to go into each individual one to find them all.*

Mayor Weaver: *This is the final Resolution for this property?*

Solicitor Rhodes: *There still are revisions on the site plan but this is the final approval, so as long as they meet the conditions set forth in this resolution*

Member Armbruster: *They have to be aware that it has to go to Council if still required to do so.*

Miles Dumbelton: *245:17 Application requirements*

Mayor Weaver: *Can we amend the resolution at this time to state upon completion of application regarding sidewalks?*

Solicitor Rhodes: *We can amend it to state that Council per the applicant, you paying attention to this, for the record Marsha Moore representing the client. I have no objection to going before council..you have no objection to amending this to state upon condition of going before council? Marsha Moore: No Objection to that. Solicitor Rhodes: They need a signed Resolution to continue this project upon the contingencies. Roll Call was called upon; Chairman Feldman, Vice Chairman Kunkel, Secretary McKelvey, Member Lofland, Member Kuns, Member Saunders, Member Naurath; Ayes, Mayor Weaver, Member Armbruster; Abstain*

*The last item on the agenda zoning orders.*

Solicitor Rhodes: *Engineer Bill anything to report?*

Bill Fleming: *I have nothing to report*

Solicitor Rhodes: *Let it be on record that email discussion with council regarding the plans to eliminate underground system under parking lot that would drain into retention basins*

Bill Fleming: *Offhand I don't know why they are doing that we would have to look at the storm water drawing. Went on to talk about different infiltration systems they could use. DEP is going to change the regulations regarding a different approach to design storm water facilities the design to go to those basins and treatments of stone areas, it is not a small change.*

Chairman Feldman: *Miles do you have any comments regarding Vic's Auto?*

Miles Dumbelton: *I do, it's for sale there is a buyer for it, that type of business is in an R-2 Residential zone and hasn't had a mercantile since 2017. We have an ordinance that says abandoned for more than 1 year, the buyer wants to run an auto business just like Vic's do they need to apply for variance.*

Chairman Feldman: *It was grandfathered in*

Solicitor Rhodes: *What Miles is saying that we have a Borough Ordinance that states that the mercantile was abandoned for more than a year?*

Miles: *It states the exceeded the 1 year for this use.*

Chairman Feldman: *Yes, they would have to come before for a use variance. The application has been abandoned for that period of time.*

Miles: *The fire Marshall has had a hard time with them operating out of there ,and not open to the public the business number not connected and no mercantile through the Borough since 2017. The other thing I have is 79 E Atlantic Ave, it is a residential property, the owner bought a few years ago except for doing work without permits, and violations, the property was already non-conforming and it exceeds what he has done to it. I don't know all the pavers; the deck he built to the edge of the lake, my question is there an easement around the perimeter of this lake?*

Chairman Feldman: *I don't think there is one around Clementon Lake.*

Miles: *It was already non-conforming. He will have to come in for variances, exceeds impervious. The last thing I have 22 Park Ave the old ACE building I got an email from attorney they finished all testing for hazardous stuff they are going to move forward to demolition. As far as White Horse Ave I drove by the other day and I did not see any commercial vehicles parked there, now I have in the past. He put stone there so it looks like he extended driveway. He doesn't have sign out front any more.*

Chairman Feldman: *It is across the street he has a sign*

Miles: *I was not aware of that.*

Chairman Feldman: *Anyone in the audience have anything to say?*

Male: *On this particular subject or anything?*

Chairman Feldman: *Anything*

Male: *Can I come up? My name is Joseph Gambale I own the concrete place down the street. There is a little misunderstanding I was supposed to get a mercantile license for some wood that I am doing over there. I thought that I sent the application in with a check. I thought everything was fine, but I was supposed to come to a meeting. So I apologize for that. I would like to take care of that and put an extension to our existing business. In the past we have always be making products mulch, sand stone, pretty much same business. I would like to ask for that as far as other violations here it says here, the wood business I will take care of that, remove the yellow Valiente sign, which is no longer in business it is my grandmother's name I'd like to keep, but if I can't ,so be it. I'll do that. The other thing, remove all un-operable vehicles from behind the chain link fence. I agree with that. My uncle asked me to store them and fix them and get them out of there. But that didn't happen. Appropriate means of keeping open storage, out of the site of the public view. I believe that is meaning my constructions vehicles. I am proud of my construction vehicles we have always had construction vehicles it is something that my father started.*

Chairman Feldman: *You still doing the concrete business, where are the asphalt vehicles stored*

Joseph Gambale: *Our asphalt equipment is inside. There are some trucks and back hoes. We have been doing this a long time so it's not that all of a sudden equipment showed up there. I am asking the board to get rid of issue #4 it's always been a construction company and always had vehicles.*

Member Armbruster: *Wasn't it primarily for producing products you sold on site that is concrete based.*

Joseph Gambale: *No nothing that automatically just showed up.*

Member Armbruster: *I don't think it was based as a construction business.*

Joseph Gambale: *Why wasn't this brought up 20 years ago?*

Chairman Feldman: *Initially this was a concrete business as I recall.*

Joseph Gambale: *So sir you are saying after 20-30 years we can't do that? Is that what you are saying here?*

Chairman Feldman: *I think the concrete business has done well*

Joseph Gambale: *So what you are saying is that my construction business that has been doing business for past 30 years now can't do it.*

Chairman Feldman: *So you are saying that the concrete and construction business are the same thing?*

Joseph Gambale: *To me they are they both do concrete.*

Chairman Feldman: *How long have you been constructing with concrete?*

Joseph Gambale: *You know I did Ohio Ave. I want to say this in a nice way I feel I have been singled out, perfect example. Silver Lake Inn sign and Irish Pub sign were there for quite some time. So I think we should resolve this.*

Chairman Feldman: *I think these issues should be resolved in the court*

Joseph Gambale: *I don't think these are court issues, I really don't.*

Chairman Feldman: *To Mile, are these citations?*

Miles: *The major issue here is the wood. I think as far as saying the concrete is a change of business name. The wood business did not go through the process on the property to sell as a separate product in the violation it is a continuance that should not be expanded upon and he is with the wood business.*

Chairman Feldman: *Do you plan on coming in for a mercantile license for the wood business?*

Joseph Gambale: *Yes, I do, I actually thought I was in the process of it*

Chairman Feldman: *Formal Basis, you have to fill out the application for this business and come before the Board with the application for approval*

Member Armbruster: *It's an expansion of non-conforming use*

Chairman Feldman: *That is what the book of violations will decide at that time, book of violations will decide*

Joseph Gambale: *Let me ask you something a person like me, who spent a bunch of money, again, trying to get a mercantile license, where the board should be able to tell me tonight whether or not it will be approved. Instead of me getting an attorney spend a bunch of money come back to the board to see whether it will be granted. So I am asking will it get approved or not?*

Chairman Feldman: *I can't give you a guess what this board would determine*

Joseph Gambale: *Well we have a Solicitor here that would know what would happen.*

Chairman Feldman: *He would have no idea what would happen, it has to be voted upon, no one could tell you what the outcome is*

Solicitor Rhodes: *Your first step, if he says it fits within the Ordinance, then, you come before us for a mercantile, if he says it does not, coming before us for a mercantile, is useless, cause you need a variance, talk to Miles to see whether it fits within the Ordinance or not, if it does not you will have to come before us with a variance and explain why you disapprove with zoning officer*

Mayor Weaver: *You came before the board for Valiente Auto Sales and also the wine distributor and they were passed. There are certain things that have to be done*

Joseph Gambale: *I understand I am sorry I missed the meeting I didn't understand it.*

*Mayor Weaver: So get a hold of Miles and go from there*

*Vice Chairman Kunkel: as far as the construction business, I don't see what the problem is, it has been in business a long time, I remember when my brother was chief here he used your personally for his house.*

*Joseph Gambale: Our name needs a lot to me*

*Chairman Feldman: We did discuss item #3 inoperable vehicles will be attended to?*

*Joseph Gambale: Yes, we will take care of them, I agree with them*

*Mayor Weaver: So the sign is Valiente Auto sales which are not in business anymore?*

*Miles Dumbelton: That is correct*

*Mayor Weaver: So if he came in that wanted sign that says Valiente, and not auto sales.*

*Member Armbruster: There might be an issue leaving the auto sales sign up when you need state permits to sell vehicles*

*Joseph Gambale: We will do something about it; we cleaned up a lot there.*

*Solicitor Rhodes: Lets clear something up before you leave so there is no misunderstanding, if you have zoning violations or citations are not cleared up by this board they have to go to the municipal level.*

*Joseph Gambale: There are no tickets issued just violations so I don't understand what I would have to go to courts for?*

*Miles Dumbelton: I will give you an extension to clear and take care of any violations on property*

*Member Armbruster: Usually when Miles gives out a violation he gives them the opportunity to clear them up and make good, if they are not taking care of that's when the courts will handle it.*

*Joseph Gambale: Ok I will talk to Miles about an extension, and take care of it. I appreciate your time everyone*

*Chairman Feldman: Anyone else have anything for the Board?*

*Hello my name is Abdulla Ozan I purchased a property at 342 White Horse Pike 8 months ago, it was an auto used car lot the previous owner was foreclosed upon. I purchased the property from the bank. This 8 months we tried application to planning and zoning, we can't go through because previous owner problems. I keep paying my taxes and my water and sewer bill and I am making no income, because of the previous owner's problems. What do we have to do because, previous owner has a problem.*

*Miles Dumbelton: ATF towing used to be at the property that matter is in litigation with the courts; the matter has yet to be resolved, some of the cars from towing company are on the property. I asked the Board before if they could apply for a mercantile, but you all stated not until the problem is resolved. I think he is asking if he can start the process apply or get anything granted.*

*Solicitor Rhodes: Do you own the property, what are you going to do with the vehicles?*

*Member Armbruster: It's a whole lot of stuff and they are tied up in middle. He owns the property.*

*Abdullah: There are about 60 cars there in the fenced in area.*

*Miles: The court from this is now in Stratford the attorney keeps postponing this case, or showing up with witness for trial that never happened. Our prosecutor has been working with me to handle on a municipal level, it seems like, and the county is waiting for the municipality to determine what's going to happen.*

*Member Armbruster: If he shows proof of property why can't we go ahead with this?*

*Miles Dumbelton: They are requesting to the court that they leave the cars there however they are not tenants that are what they are trying to do.*

*Solicitor Rhodes: What is it that you want to do on the property?*

*Abdullah: Sell used cars*

*Miles Dumbelton: He needs a variance and use change because it is within 1500ft of another dealership*

*Solicitor Rhodes: You will have to apply for a use variance because of the other dealership; I will speak to your attorney for you and let them know what you need to do*

*Abdullah: Thank you*

*Chairman Feldman: Any other questions? Hearing none can I get a motion to dismiss, Vice Chairman Kunkel motioned seconded by Secretary McKelvey, All in favor*

*Adrienne Guernon*

