

Borough of Clementon

Planning/Zoning Board

December 14, 2017 Meeting Minutes

The December 14, 2017, 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.

Roll Call: Chairman Feldman, V.C. Kunkel, Secretary McKelvey, Member Lofland, Member Kuns, Solicitor Rhodes, Churchill Engineer were present. Member Naurath arrived late.

Member Armbruster, Mayor Weaver, Member Saunders were absent.

Member Lofland: Corrections for the minutes changing Naurath to Saunders for the person asking about 19 Chestnut comments. Change smiles to smells and requested Kathy Look into the conversation referencing 19 Chestnut as she felt something was missing.

Chairman Feldman: With the acceptance to these corrections, Motions were made by V.C. Kunkel and Member Lofland to approve the minutes.

Roll Call, Chairman Feldman, V.C. Kunkel. Member Lofland all said yes. Member Kuns and Secretary McKelvey abstained from the vote.

Chairman Feldman calls mercantile applicant JSV Strong Tree Service Jesus Garcia.

Jesus Garcia: Requesting to park his trucks on his lot when not in use. He won't start working regularly until March and is asking for permission to park the trucks on the lot.

Chairman Feldman: This board does not give the mercantile license. We just check and see if they comply with the Zoning for that area. In this case it is to be used as a residential or office district. It doesn't allow for the use you request. If you are asking to use that property for something else you must come in and apply for a variance. He must come in fill out the application and proceed.

Jesus Garcia: Only requesting permission to park trucks they go out in the morning and in at night. They don't stay all day.

Chairman Feldman: I understand, but that is not allowed in the zoning district. What is allowed there is professional office or a residence none of those include overnight truck parking.

Jesus Garcia: What do you mean by professional?

Chairman Feldman: Doctor, Lawyer, accountant anyone who generally has a license from the state.

Jesus Garcia: requested board grant permission until at least March, as he has no other place or money to park his trucks elsewhere.

Chairman Feldman: I can't do anything about that. That would clearly be between you and the Zoning Officer.

Jesus Garcia: Who is the Zoning Officer? What are my rights when someone comes and yells at me saying he can't park his trucks and cars parked there?

Chairman Feldman: It is outside of this board's responsibility. The Zoning Officer does not work for the board, he is appointed by the governing body. If you have an objection, you should go to a council meeting on the first and third Tuesday of the month.

Jesus Garcia: Thank You.

Chairman Feldman: Use application for Jacoh, White Horse Pike.

Attorney David Snyder: We are ready to proceed tonight. I am aware.

Mr. Cohen Sworn in by Peter Rhodes, Esquire.

Mr. Cohen: applying for change of use application for the property known as Nicole's Garden Center. He operates the Auto sales dealer next to the property now and has been operating for 16 years. He would like to purchase the property for Automobile sales. It would be a separate dealership within itself. There will be no plans to consolidate both lots. The purposed plans for this site have been provided to the Board.

Solicitor Rhodes: Site plan is exhibit A and B

Chairman Feldman: Before we review the site plan. Did you get a checklist?

David Snyder, Esquire: I wasn't aware that one was provided.

Chairman Feldman: If you are going to want to consider a use change, a valid site plan will be required as part of the consideration. I think it would be difficult to consider a use change without specific and legal site plan.

David Snyder: My clients' purpose for the application was to try to obtain the use variance first and the site plan secondary. I understand what the board is suggesting in regard to the use application that it would benefit having a site plan as part of his application for the use. It is not technically required. I would like a brief moment to talk with my client. I spoke to my client and he indicates to me that the sole purpose is more of a diary of how he intends to park vehicles. It is his intentions not to change the site itself with regards to soil, grade, topography, water signs. The purpose of the document is just to show how to park vehicles.

Chairman Feldman: Ok let's continue then.

Mr. Cohen: refers to the plan and counts out 16 customer parking spots. Six will be removed during day hours to allow traffic to go in and out of the purposed driveway. The other cars will be facing the white Horse Pike. 96 cars will be on the property with 15 feet in between the cars. The back driveway will allow access to the other dealer property for Police and fire access. This will create an easement between the two properties. The contract to purchase the property was conditions upon approvals. To make the record clear, there will be no changes to the topography, or grading of the property. There is a cement building and tents on the property. I plan on storing cars in the tents they look like a good area for display and will keep the sun off the vehicles. The number of employees has not been determined at this time. It all depends on the sales. If the employees are driving company cars, they will be parking them in one of the spaces allotted. If they have personal cars, they will be parking them in the customer parking lot.

Solicitor Rhodes: Is the other property you own, is it owned also owned by this applicant?

Mr. Cohen: No sir.

Solicitor Rhodes: With the different entity?

Mr. Cohen: Yes.

Chairman Feldman: Is there a pending agreement of sale with the present owner?

Mr. Cohen: Yes.

Chairman Feldman: May I see it? Tell us about the separate business besides the one you have next door. What did you have in mind and how is it going to work?

Mr. Cohen: It is going to be a different name.

Member Lofland: But you are going to still own it?

Mr. Cohen: I am going to own that property. The property I own now is owned by me and my ex-partner. It has been in litigation for 4 years. I don't know what the outcome is going to be.

David Snyder, Esquire: The property he has with the partner is currently in litigation. It may result in the property might have to be sold and the business be closed. The outcome as Mr. Cohen has said, is unknown and in litigation.

Chairman Feldman: I understand there will be no construction what so ever?

Mr. Cohen: No construction at all, no pavement. It is mostly stone and asphalt under the tents is concrete.

Chairman Feldman: Do you plan on putting additional lighting in?

Mr. Cohen: I don't know if I will be putting additional lighting in or replacing what is there or is more modern or prettier.

V.C. Kunkel: Is the one structure there going to be your sales office?

Mr. Cohen: Yes, I apologize but the way the garden center is set up there are a bunch of different little rooms. I don't know what is going to be the sales office. There is a cement structure, a little green house in the front. I just don't know how chilly it would be in the winter.

V.C. Kunkel: How about any chemicals you would store, Antifreeze, detergents?

Mr. Cohen: I have a wash bay in Lindenwold where I keep all my materials and the detail work. If there will be any detailing work done outside, it will be environmentally friendly stuff.

V.C. Kunkel: So you might be doing detailing on the premises?

Mr. Cohen: I haven't made a decision whether I will be doing detailing on the property or not. I don't like having in house detailing. It is always easier to send it out. If I can generate more revenue for people I would probably consider it.

V.C. Kunkel: How about signage? Will you be putting signs on this property?

Mr. Cohen: There is already existing signs on the property I would just change the face of the sign.

Member Kuns: Is the property where you are doing the detailing part of the litigation?

Mr. Cohen: No

David Snyder, Esquire: The property in litigation is the property next door.

V.C. Kunkel: What is our rule for car dealerships within a certain radius?

Chairman Feldman: That's why he is here for a use change it is 1500 feet. Does everybody know why the use change is necessary? Ok.

Member Lofland: Does that include the one that is already there next to it?

V.C. Kunkel: That one is already approved. If you are putting one next to it you are already within the 1500 feet.

Chairman Feldman: Can you specifically tell us how this is going to benefit the community? Because you are asking for a use change we need pretty good reasons why.

David Snyder: My client if he does the detailing on site, he will be employing people from the neighborhood. He would generate revenue for the town with another dealership. How many dealerships are there in town?

Mr. Cohen: I think there are 2 or 3 others. Three just closed down in the last short period of time.

Dave Snyder Esquire: Having another dealership and not knowing the outcome of my clients existing property and maybe perhaps that business may have to close. We will not be over saturating the market

with dealerships which my client has assessed that have closed. Having a dealerships and maintaining them at the same level is also beneficial. Mr. Cohen what type of vehicles will you be selling?

Mr. Cohen: They same or similar to what I am already selling.

David Snyder Esquire: He will be catering to people that have difficulty getting credit through a buy here pay here. There is always a benefit to giving the people in the area an opportunity to buy.

Chairman Feldman: Do you generally have a cap on how expensive the car you have to sell is there a limit?

Mr. Cohen: I don't think so. I don't like wholesaling I don't buy cars to sell at an auction later. I try to sell to our community. A majority of our sales are to people in Clementon. I am just trying to make it a little bigger. I love the driveway through the properties. I do presently employ three people who live in Clementon.

V.C. Kunkel: To correct there are 4 operating business and 3 that do have a zone already so you are talking about 7. How many do you need on the White Horse Pike in a town that is what; 1 mile and a half? You don't want to a used car lot. That's my feeling.

Mr. Cohen: The only thing I can say is, one of the places that closed down, I looked into purchasing that property and there is a 1.2 million dollar lien on the property. The other across the street closed down and he moved to Lawnside. The one next to that closed because someone died from falling through the roof. When I heard about the gentleman that has the granite place down the street I went to him to see if I could help him. He is completely out of the business. I can say one will be hard pressed to open where Imperial was.

Chairman Feldman: Any other questions for the board members? Mr. Rhodes?

Solicitor Rhodes: No I don't have any questions.

Chairman Feldman: Is there anyone here from the public that would like to come forward and say anything?

Mr. Cohen: They are all here for me.

Mr. Fleming: I just know for the board's interest that the property behind the garden center is residential.

Mr. Cohen: The gentleman who lives behind the property had a minor issue. So I cut down all the trees and replaced the fence with a vinyl fence. I try to do anything that would help. Two years ago we gave away 3 cars for Christmas. I try to give back. I told you 5 or 7 years ago that if I made enough money I would get snow plows for the town. I still hold true to that.

Chairman Feldman: Ok can I have a motion to vote?

Secretary McKelvey made first motion, Chairman Feldman made second motion.

Roll Call: Chairman Feldman, No, V.C. Kunkel, No, Secretary McKelvey, No, Member Lofland, No, Member Kuns, No.

Chairman Feldman: The application has been denied, sorry about that Sir.

Santiago Perez: Mercantile application for La Rancherita grocery bakery store at 328 white Horse Pike, (Formerly Raymond's Cuisine). Same owner's different name same location. Mr. Perez said he was told he only had to come and change his name on the mercantile. When he came to do so, he was told he had to come before planning and Zoning board for approval. Then I needed a permit I put in two convection ovens. It is not going to be like a big bread bakery with rack ovens and big machines. It's just a little Mexican bakery with Mexican food.

Chairman Feldman: So everything will stay the same except the sign. You have trash pickup and enough parking spaces for clients and personal.

Mr. Perez: The name will change. Yes I contacted the board of health. I submitted my Electric and Plumbing permit. I was hoping you can give me an extension to open now.

Chairman Feldman: I can't do that. You will have to ask Council for that.

Member Kuns: You put on application that you will also carry Mexican groceries.

Mr. Perez: Yes, bread canned goods, beans rice. I've been selling cooked food. Now I will be selling not cooked.

V.C. Kunkel: So that is one of the things that will change. That will change and the mercantile license will too.

Mr. Perez: I agree I need a new mercantile license I just wished I had the right information the first time.

Chairman Feldman: May I have a motion for the approval of the mercantile license?

V.C. Kunkel made first motions followed by Member Lofland.

Roll Call: Chairman Feldman, V.C. Kunkle, Secretary McKelvey, Member Lofland, Member Kuns, Member Naurath all approved.

Chairman Feldman: You might be able to get a temporary to open from council.

Chairman Feldman: Informal matter Oak Leaf development inquired informally about an extension.

Richard Hoff Esquire: Represents Oak Leaf financial formerly Mt. Carmel Land. Mr. DiMedio was here with his Bankruptcy attorney in January of 2017. I am here as representation of Oak Leaf the lender. The property is no longer owned by Mt. Carmel Land it is controlled by Oak Leaf which was the funding source for Mr. Dimetio. Oak Leaf understands that there are not only local approvals, but state approvals that have expired and a host of other approvals that need to be re- examined. Oak Leaf is not a builder or developer. We are here to get a one year extension to seek a buyer. The equal housing

lawsuit has been withdrawn from that. The owners can talk about the municipal use for the 180 units. That remains in place. That's the update. We are asking for the indulgence of another year.

Chairman Feldman: I am reluctant. Since you are only trying to flip it. I don't have any objections for another year.

Member Kuns: They wanted to change a lot of plans with buildings and such.

Chairman Feldman: There were also expenses that were outstanding to.

Attorney Hoff: We brought the taxes up to date.

Chairman Feldman: May I have a motion for approval to the extension?

Solicitor Rhodes: They don't need a formal application to just extend an approval for an extension.

Member Lofland: They do have to make a formal application?

Solicitor Rhodes: No they don't.

V.C. Kunkel made first motion, followed by Secretary McKelvey.

Roll Call: Chairman Feldman, V.C. Kunkel, Secretary McKelvey, Member Lofland, Member Kuns, Member Naurath, all votes yes.

Solicitor Rhodes: We will send you a copy of a resolution extending you until December 31, 2018.

Chairman Feldman: Nothing from zoning officer or the engineer.

Solicitor Rhodes read the resolutions 2017-3, 2017-4, 2017-5 and 2017-6.

All resolutions were approved by the members present and signed by Secretary McKelvey.