

Borough of Clementon

Planning/Zoning Board

May 10, 2018 Meeting Minutes

The May 10, 2018, 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, Mayor Weaver, Member Armbruster, Member Lofland, Member Saunders, Member Naurath, Solicitor Rhodes, Churchill Engineer were all present.

Absent: Member Kuns.

Chairman Feldman: May I have a motion to approve the April 12, 2018 minutes?

V.C. Kunkel made first motion to approve April 12, 2018 minutes. Second motion was Member Lofland.

Roll call: Chairman Feldman, V.C. Kunkel. Secretary McKelvey , Member Armbruster, Member Lofland, Member Naurath, all approved minutes. Mayor Weaver abstained from vote.

Chairman Feldman: Mercantile for Vic's Auto. Nobody was present. Is there someone from Cherrywood Car Service here?

Nicholas Sierra: I would like to open an automotive repair shop at 100 Chewslanding Rd. We will rent the garage. I will have me and my mother as the employees. We will be open 5 days a week every other Saturday.

Chairman Feldman: Have you done this type of business before?

Nicholas Sierra: We have always had a business. We had other locations on Blackwood Clementon Rd. We had partners with those businesses and now we are on our own.

Solicitor Rhodes: Do you normally just do auto repair? So you do big truck repair too?

Nicholas Sierra: Just regular pickup trucks and cars. No Diesels, some box trucks.

Chairman Feldman: Do you have disposal for Oils?

Nicholas Sierra: Yes we have a waste tank in the back for oil and one for the antifreeze. We have a service to come and take them away.

Chairman Feldman: What do you do with brake fluid and Hydraulic fluid when you have that?

Nicholas Sierra: We can dump that in the waste oil they will take it away. They will separate them when it gets to the oil factory.

Chairman Feldman: Do you plan to have a sign?

Nicholas Sierra: We do plan on having a sign right now we have a banner. We weren't sure about the variance of the signs.

Chairman Feldman: You are allowed 40 square feet for a façade sign.

V.C. Kunkel: Is the gas station still pumping gas?

Nicholas Sierra: Yes.

Chairman Feldman: Are you affiliated with the other businesses?

Nicholas Sierra: No they run the propane, Gas station, and U haul.

Member Armbruster: Will you have an office of any kind?

Nicholas Sierra: There is room in the back for an office. We want to get in and get working. I don't want my mother inhaling the fumes. She will also need air conditioning.

Member Armbruster: As far as oils will your be buying that in bulk?

Nicholas Sierra: I buy them by the case as needed. I will not be storing, or having tanks filled.

Chairman Feldman: Do you have trash removal in place?

Nicholas Sierra: We will be using the Gas station's removal. If they plan on getting a dumpster we will share that. They presently take their trash to the curb.

Member Armbruster: Will you be storing vehicles onsite?

Nicholas Sierra: No we don't store vehicles on site. Only the cars I am working on that day will be at the garage. I don't keep cars for parts. I use all new parts not used. I don't like to have things laying around. They will be parked out back behind the building.

Chairman Feldman: We don't approve the mercantile license, Council does. We approve to send to council. So may I have a motion to approve for council?

Member Armbruster made first motion. Second motion made by V.C. Kunkel.

Code Enforcement Officer Miles Dumbleton: I just want to bring it up that it is in a R1 residential Zone. Across from an R2 residential Zone, just want you to be aware.

Chairman Feldman: The Zoning has already been approved. The gas station has already been approved this does comply.

Roll Call: Chairman Feldman, V.C. Kunkel, Secretary McKelvey, Mayor Weaver, Member Armbruster, Member Lofland, Member Saunders, Member Naurath all approved for council.

Chairman Feldman: Robert Ortiz, 197 Berlin Rd. What can we do for you?

Robert Ortiz: I would like to open a Church on 197 Berlin Rd. I was told that mercantile license is needed.

Member Lofland received clarification from several members as to where 197 Berlin Rd was located.

Chairman Feldman: I am pretty sure that a Church is not allowed in that particular Zone.

Member Lofland: Does it make a difference that the other church is located on the other side of Trout? Is there an Ordinance regarding the two being close together?

Chairman Feldman: Not with Churches. You are going to have to apply for a Zoning variance. How many people do you have in your congregation?

Robert Ortiz: Right now we have 16 people. We meet in a house in Lawnside, NJ right now. Then we met at the Blackwood, Howard Johnson. I was an assistant Pastor in Camden, NJ. Then we decided to open our own Church. I have been a Pastor of 7 years. Five out of the 16 are my family members.

Chairman Feldman: Parking is also a consideration. I would presume you would expand.

Robert Ortiz: If we grow, this is the goal. I would hold multiple services.

Chairman Feldman: Have you had your property surveyed? Did you settle on the property?

Robert Ortiz: I have a lease with Maryanne. We are lease to own. I have an agreement with Mary Anne that I will purchase it within 2 years.

Chairman Feldman: Parking is a minor issue, but we would like to see how many parking spaces would be available to make sure it complies with our zoning regulations.

V.C. Kunkel: To rent this property there is a front and in the back is another fence. Will you be renting all the property?

Robert Ortiz: I plan on renting the whole property right up to the gate.

V.C. Kunkel: I think you will need lighting too.

Member Armbruster: With this type of use group will he need a minor or major site plan? If this church expanded and got large, you could require a fair amount of parking. You would have to show how you would fit the parking in.

Solicitor Rhodes: So you have an attorney?

Robert Ortiz: Not yet.

Solicitor Rhodes: Get one.

Chairman Feldman: You are a corporation aren't you?

Robert Ortiz: Yes Sir.

Solicitor Rhodes: Under New Jersey's current Law if you are a corporation you need to come before us with an attorney. Since you need to apply for a variance and likely at least a minor site plan it would be good to consult with someone and bring an attorney with you to the meeting. I am sure they will tell you the details of what you have to do.

Robert Ortiz: I do have some friends that are Attorney's.

Chairman Feldman: You will need a use variance and a minor site plan, for parking, handicapped parking lighting, landscaping, and signs.

Robert Ortiz: There is a sign already established there.

Chairman Feldman: Ok then show that on your plan and we will discuss it at that time.

Member Armbruster: Mr. Ortiz can make the application? It would not have to be Mrs. Drinkwater since she is the owner?

Chairman Feldman: He can if he has a letter from Mrs. Drinkwater giving him permission.

Robert Ortiz: Ok, Thank you.

Chairman Feldman: We have 24 Franklin Ave.

Allen Etish, Esquire from Cherry Hill New Jersey, representing Humberto Macini Munoz with the application for a 6 foot fence variance to install on 24 Franklin Ave. I have sent out all the records of notice and have advertised in Central Record. I have given the board secretary copies of the publication affidavit and notice send from the 200 foot list. Other than the couple that came back unclaimed, which was 3 of them. Everyone else was served. This is an application for a fence variance. The owner would like to install a 6 foot fence in the rear of his property on Franklin Ave. Mr. Munoz is in the landscaping business and would like to store his equipment in the backyard secure and also his family, because people like to cut across his yard. I don't see that this is a complicated application.

Chairman Feldman: I do see that the complication is that your client wants store equipment in a residential zone.

Attorney Etish: His equipment is a pickup truck and a trailer. He has a couple of lawnmowers. It is not like he is a gigantic company.

Solicitor Rhodes: Is the rear yard stoned or paved?

Attorney Eitsh: Stoned.

Solicitor Rhodes: They don't stay there all the time. He takes them out in the morning.

Attorney Eitsh: Depending on the weather. He does take the out 10 to twelve months a year.

Solicitor Rhodes: So the equipment is not parked there permanently.

Chairman Feldman: Once again specifically, name the equipment that is stored back there again.

Attorney Eitsh: One pickup truck a 25 foot long trailer with a couple of lawnmowers and racks.

V.C. Kunkel: Is the fence going across the back, it is not going across the side?

Attorney Eitsh: Just across the back.

Member Saunders: Is that his fence along the right hand side?

Attorney Eitsh: Yes the four foot wood one.

V.C. Kunkel: Nothing on the left hand side. This garage is it a residence? There is not a garage door. It looks like a regular door that you would go in it doesn't look like it is a garage. That shed looks like it is on property line.

Attorney Eitsh: I am not sure, but if the shed needs to be moved then it will be. If we are putting up a fence, then we will have to move it.

Member Armbruster: Looks on the left side, there is a 6 foot fence.

V.C. Kunkel: it is vinyl. And the wood fence goes all the way to the back.

Solicitor Rhodes: Does your client plan on putting the fence to the vinyl?

Attorney Eitsh: No he plans on putting up his own.

Chairman Feldman: As I understand it. In back of the step landing on the left hand side of the property, you plan on putting the fence in from the landing to the existing fence on the left side. That's about 14 feet of fence.

Attorney Eitsh: That would be correct.

Chairman Feldman: What sort of fence do you plan to put there?

Attorney Eitsh: Vinyl six foot.

Chairman Feldman: One the right it looks like you are going to go from the right corner of the house to the existing wood fence on the right side. That's with the same six foot vinyl.

Attorney Eitsh: Yes. same size same color and material.

V.C. Kunkel: The wooden fence on the back is that coming down?

Attorney Eitsh: Yes. Also the chain linked fence on that one side.

Chairman Feldman: You will have to move the shed, because the fence will be in the way.

Attorney Eitsh: alright.

Chairman Feldman: I am confused about the numbers on the left and right side. You have 152 feet. The house is back 46 feet. That's only 106 feet that remains and you want 140 feet of fence. Help me with these numbers.

Attorney Eitsh: the lot is 151.8 feet 46 from the front to the house.

Chairman Feldman: That gives use 152 feet that leaves us 106 remaining. You are asking for 120 feet of fence.

Attorney Eitsh: That is correct it will go the entire back yard and overlap 6 or 7 feet in the front yard.

Chairman Feldman: we will not allow any fence past the front house line. I am still concerned about the storage of equipment in a residential area.

Attorney Eitsh: It is the same equipment that is stored on the blacktop of the driveway. Now it will be stored in the back of the house. It is enclosed every night in the back of his trailer. It is not out and available.

Solicitor Rhodes: Mr. Eitsh, do you agree that your client will start the fence at what looks like the start of the two story dwelling landing and go back? One the right it can't go beyond the built in line.

Attorney Eitsh: Yes, the one story building as well.

Solicitor Rhodes: I guess there will be a gate and that.

Attorney Eitsh: Yes there has to be.

Chairman Feldman: It looks like you will have two fences on the left hand side.

Attorney Eitsh: That is my understanding yes.

Chairman Feldman: you will maintain in between the fences.

Attorney Eitsh: My client is a landscaper I am sure he will maintain between the fences.

Member Armbruster: It looks like the fence on the left looks like they put their fence about 1 ½ foot in the property line. Would he maintain it?

Solicitor Rhodes: It's just a few feet. It's a common line between the fences.

Chairman Feldman: I personally cannot approve for this mercantile license for the storing of the equipment. I can't speak for the rest of the board. He would have to apply for a variance.

Attorney Eitsh: I am requesting a variance.

Chairman Feldman: Yes for the equipment to be stored. That is not mentioned in your advertisement is it?

Attorney Eitsh: No and I think that is over kill. But you are the chairman and that is what you require than that is what we will do.

Chairman Feldman: Well it's up to the board that is only my opinion. That is why we have the meeting.

Member Lofland: Because we have the medical building on the corner and the garden center, is it a business district too?

Chairman Feldman: No it is residential. The other buildings face the White Horse Pike.

Member Armbruster: I thought we had an ordinance about work vehicles on private property as long as they weren't commercial vehicles. Such as a plumbers van, and electrician's truck, I thought that was permitted as long as it wasn't for large storage. Typically you can have a small van, but if you started putting anything more than that there, they would be cited. For have a business out of their property.

Chairman Feldman: You are talking about a professional building. This is not a professional business we are talking about.

Solicitor Rhodes: That ordinance refers to large tractor trailers and that type of stuff on property. Guys that drive crossroad trucking and long hauls.

Member Armbruster went on to discuss the property on White Horse Ave with the tree service. Keeping large tree trucks parked on the property. The employees meet in the am. That would cross the line meeting there hand having large trucks. If he is a sole proprietor and he is not meeting employees and things like that.

Member Saunders: And dumping grass clippings and storing things like that.

Solicitor Rhodes: Based upon what has been represented at this meeting. He is not offending any ordinances by taking his truck and trailer at home at night. If he had multiple trailers with a multiple workforce, like Mr. Armbruster was explaining, then he is running a business. He is basically doing what many people do.

Bill Fleming: You can go ahead with the questions on the numbers.

Solicitor Rhodes: Mr. Eitsh has agreed that the fence to the north side of the property can't go beyond the rear of the side entrance.

Chairman Feldman: That will be about 100 feet plus or minus.

Solicitor Rhodes: He has also agreed to investigate with the neighbor. To get an agreement to move his fence and attach to his so they don't have side by side fences along the rear. Then on the South side of the property as it comes towards Franklin Ave. It would not proceed past the front of the building.

Chairman Feldman: That would be 160

V.C. Kunkel: And remove the wood fence.

Solicitor Rhodes: And remove the wood fence and the chain-link fence. The shed that is overlapping the property line would have to be re placed too within the confines of the property.

Chairman Feldman: We will include in the motion that one pickup truck one trailer in the area of 25 feet long two lawn mowers that sit on the trailer and that will be the extent of the equipment allowed.

Solicitor Rhodes: They will have other equipment like shovels, rakes.

V.C. Kunkel: They will all be stored on the trailer.

Chairman Feldman: If it is on the trailer it is on the trailer.

Member Armbruster: The truck will be about 20 feet long and the trailer will be about 15 to 20 feet long.

Chairman Feldman: We will give it 25 for trailer.

Churchill Engineering: The good side of the fence should be facing out as opposed to in Depending upon the neighbor; there should be about 3 feet between fences. He will have to clear the garage about 5 or 6 feet.

Member Armbruster: Can we say that they need adequate room to maintain the grass in between fences.

Churchill Engineering Bill Fleming: Are they going to gate the driveway that he uses a double gate?

Me. Eitsh: Yes, he only has one single car.

Member Armbruster: Suggested that the gate be opening out for emergency reasons.

Chairman Feldman: May I have a motion please?

V.C. Kunkel: I motion under the considerations that we proposed for this.

Secretary McKelvey: 2nd motion.

Roll Call: Chairman Feldman, V.C. Kunkel, Secretary McKelvey, Member Lofland, Member Saunders, Member Naurath all voted yes. Member Armbruster and Mayor Weaver abstained.

Mr. Eitsh: The ordinance will be ready within the next 30 days I believe?

Chairman Feldman: Hopefully.

Solicitor Rhodes: If council can afford to have the resolution then they will read it next month.

Mr. Eitsh: Then we can't go ahead and start the fence until then?

Solicitor Rhodes: Seeing how many people showed up to protest. You probably can.

Mr. Eitsh: Thank you.

Zoning Officer Miles Dumbleton: I have nothing to report, I would like to introduce myself as the new Code Enforcement and Zoning officer for Clementon. Prior to this I did animal control for 5 years I had 26 towns throughout the county. I am going to ask you for what you would expect from me as far as Zoning reports go. What you want in the reports.

Member McKelvey: I have a question, As far as Animal control, Can you still do that?

Miles Dumbleton: Yes ACO and ACI certified.

Member Armbruster: As you go through town and get to know more with the Zoning ordinances, it would be good to get your recommendations on things that we don't have zoned correctly so to say. Or things you are seeing as a trend where you are seeing citations or issues where people are stepping out of the boundaries and look to see if they are zoned properly. We need to look at our zoning separate from Code Enforcement issues to see where we are at. We will be starting to do our Master plan soon. That kind of information will come in very handy.

Member Saunders: We will be up to grade with the county too. When the county adopts an ordinance we have to abide by it too.

Member Armbruster: We will do a master plan review, and council then adopts it. County has no jurisdiction on that type of thing. But the state does.

Secretary McKelvey: Our school district is a walking district. When it snows it gets rough make sure they are cleaning off the sidewalks.

Member Armbruster: That is code different hats.

Chairman Feldman: Things regarding the mess at the used car lot, the Y distribution center. Has council addressed that? I don't see anything in the ordinance at this time. It should be addressed.

Member Armbruster: Down the street it used to be a precast concrete.

Chairman Feldman: Do you drive past that?

Member Armbruster: The biggest issue is the large amounts of dirt that are stored there.

V.C Kunkel: And wood.

Member Armbruster: They are granite. He repaves roads, sidewalks. It looks like he is taking the dirt from there and bringing it back.

V.C. Kunkel: And there is an enormous amount of wood too.

Mayor Weaver: That has been brought to the attention of Council. But with the change of Code enforcement it has been inactive.

Member Armbruster: Is it zoned for that?

Chairmen Feldman: No it is not.

Member Armbruster: We required him to have site plans when he came in for his property. This was not on any site plans he is not permitted to do this.

Chairman Feldman: This should be addressed.

Member Saunders: There is also a safety issue with all the wood piled up and the children walking past and one of them roamed over there and a log rolled on one of the kids.

Chairman Feldman: As far as the zoning officer goes, I think it is his obligation to look at the problem and for him to report.

Member Armbruster: Two other issues that are far distant this would be zoning. One on the White Horse Pike, this would be Mr. Desai property Clementon Crossings at New Freedom there. There are 4 or 5 vehicles parked in his lot.

Code Enforcement/Zoning Officer Miles Dumbleton: When I talked to him he mentioned that his lot is kind of small.

Member Armbruster: when he came in for his mercantile, He stated that he would not be parking any of his vehicles there. If you go back and read the resolution there should be a number of vehicles he is allowed there. There are three businesses that have specific number of vehicles allowed to park there.

Member Saunders: There are for sale signs there. He is selling cars from that lot.

Member Armbruster: There is a business there too. It is also a used car lot. The original owner of the property had a car lot and gun shop. The second was the repair business. Mr. Desai would be in violation as he is allowing the cars to sit on hit lot where it is not approved.

Member Lofland: Speaking of vehicle storage has anyone notice the number of cars that are parked at the corner of Forrest Ave where they put that temporary traffic light? The house where Contrevo's used to live? Does anyone know where I am talking about? It seems to be a little crowded there.

Member Armbruster: That is Lindenwold.

Member Lofland: No it is Clementon on that road up to where Rudolph's used to live. The one on the middle has flat tires. The one in the middle has broken glass.

Member Armbruster: If they are registered than we can't do anything about them. If they are not blocking site view of the intersection we can't do anything about that.

Member Lofland: Off of Chewslanding road, they have the house and then the garage actually facing Forrest Ave.

Code Enforcement Officer Miles Dumbleton: Ok

Member Armbruster: The property on White Horse road parking all the trucks. That seems to be an ongoing issue. You can check on that.

Code Enforcement Officer Miles Dumbleton: Yes I will check on that. We have posted violations on his door, but we haven't heard from him. Here's a thing that I found with the ordinance for parking Gene told me it was front lawns. In the ordinance it states any lawns.

Member Armbruster: If he is having employees parking their cars and leaving them is it a business?

Chairman Feldman: Yes, it is a residential Zone.

V.C Kunkel: Any more on Cherry Lane?

Member Armbruster: We won the court decision. I did bring up to council that they should consider purchasing that ground back. If they continue to pursue it, then it results in costing the Borough more money in litigation. They have been cited numerous times for debris, which they are still hesitant to clean up. The purchase stated that he can do no improvements on that property. Now you are up to speed.

Chairman Feldman: Can I have a motion to adjourn?

Member Saunders made first motion.

V.C. Kunkel: 2nd motion.

