

BOROUGH OF SWEDESBORO
Planning/Zoning Board
P.O. Box 56
Swedesboro, New Jersey 08085

Meeting Minutes for
May 11, 2009

A regular meeting of the Swedesboro Planning/Zoning Board was held on May 11, 2009 in Council Chambers at 7:07 pm. Mr. Homan, called the meeting to order. The Open Public Meetings Act statement was read followed by The Pledge of Allegiance.

The following members were present:

C. Homan
M. Dare
T. Fromm
R. Zappala
G. Weeks
D. Fish

The following alternates were present:

R. Bellace voting for T. Vanaman
S. Ayers voting for M. Fernandez
S. Richardson voting for J. Streitfeld

Also in attendance were Mr. Clyde Walker, Jr., Solicitor and Mr. Martin Sander of Federici and Akin Engineering.

APPROVE MINUTES

Mr. Zappala made a motion to approve the minutes of the April 13, 2009 meeting without edits. Seconded by Mr. Fromm. All yes.

MEMORIALIZATION OF RESOLUTIONS

None

OLD BUSINESS

Bennett Photography Studio

(Use Variance Hearing/Site Plan Waiver)
1919 Kings Highway
(Block 53; Lot 4.01)

Ms. Joan Adams introduced Mr. Bennett- the applicant, Ms. K. Englehart and Mr. T. Kernan. The property is a Victorian home at 1919 Kings Highway in the R3 zone. They are asking for a use variance for the pre-existing home and lot. The house and barns are pre-existing for setbacks. They are also asking for parking variances.

Mr. Bennett has been a photographer since 1980 and owns Perfect Day Photography. The structure and buildings are to stay the same; one shed will come down. There will be

up to three employees per day at the location. Typically they see three to ten customers per week. The hours will be 10am to 9pm; 7 days a week. There will be signage in the front and will apply for sign with zoning officer.

A new gazebo will be 8' in diameter. The barns will be for storage only. One barn will be used for parking.

Mr. Kernan, has been a licensed planner for 15 years. He shows an aerial map (App 1). He states the sight is suited well for the business because the use variance encourages public health and general welfare and variety to meet the needs of the people of the general area. He states that it is a collector road and suits small scale commercial within the residential area. The property is a corner lot. In the area, there is also a dentist and a chiropractor.

Ms. Englehart, is a licensed engineer with Sickels and Assoc. She uses a color site plan (App 2) and shows the 16,500 sq. ft. lot. She states there will be 5 parking spaces – four plus a handicapped spot. There will be an additional space in the barn and two on Kings Highway. The sidewalk in front will be replaced and the hedge removed.

The house and barn setbacks are existing and do not require variances. There will be a lift in lieu of a ramp for handicapped access.

Mr. Sander states that ten parking spots are required. He suggests they move the handicap spot down to get another spot in. He asks that they post a sign along South Street for No Parking. He also asks about the sidewalk on South St. Mr. Bennett agrees to all of these items though the concrete apron on South may be cost prohibitive.

The lighting will be on timers and there will be small landscape lights. One of the barns does have electric.

Mr. Sanders refers to his letter of April 3, 2009 stating that county approval has not yet been given. He would like the dimensions and location of the gazebo added to the plan. The parking will be revised per the suggestions. The barns will be accessory structures not principle. With the changes they will have seven parking spots and they require ten.

Mr. Zappala makes a motion to open to the public. Mr. Fish seconds. All yes.

Mrs. Tomarchio of South Street has parking concerns. She references the 100 new town homes and the traffic issues turning out of South onto Kings Highway. South St. has not been repaved. If Mr. Bennett leaves she questions who could use the building.

Mr. Sanders states that only another photographer could use the building without another use variance. Or it could be a residence.

Mr. Zappala makes a motion to close to the public. Mr. Dare seconds. All yes.

Mr. Dare makes a motion for a use variance adopting the positive criteria that the planner stated. Ms. Ayers seconds. All yes, Mr. Fromm and Mr. Weeks abstain.

Mr. Zappala makes a motion for use variance and site plan approval subject to the conditions of the sidewalk along South, moving the handicap spot, adding 'No Parking' on South and other conditions of the April 3, 2009 engineer letter. Mr. Fish seconds. All yes, Mr. Fromm and Mr. Weeks abstain.

NEW BUSINESS

Musumeci Application

(Site Plan Waiver)

1452 Lake Avenue

(Block 28; Lot 1)

Mr. Fish owns a lot within 200 yards of the property and stepped down.

Ms. Joan Adams describes the property as a three unit commercial on Kings Highway and Lake Avenue. Businesses in the building are Comcast and the NJ DOT for office use. Ms. Adams states that public notice was made and Mr. Musumeci was sworn in.

He states he owns 11 Lake Ave. and bought it in 1971 when a three-story building was torn down and built the new building. He says NJ DOT has three employees at most. The building will not be expanded or changed. He says in all these years he has never had a site plan. He also has other tenants with interest in renting.

In reference to lighting he says there are two existing streetlights and three on the building. That is enough because it is still a residential area and wants to keep lighting to a minimum. He will not add more parking or change the exterior.

Mr. Dare asks about the signpost and Mr. Musumeci states it has been taken down.

Mr. Fromm states there were no C/O's, no water or sewer for a while and not it has been reconnected.

Ms. Adams states there was also no site plan needed for repaving and that other lots do not have designated spaces.

Mr. Sander says a site plan must be required because the use has not been established.

Ms. Adams reads Ordinance 95 that it is a legal pre-existing site and the site plan ordinance doesn't require change like demarcating lines.

Mr. Walker states that utilities were modified and there is a need for a site plan.

Ms. Adams states that three metered utilities are legal and have never been abandoned.

Mr. Walker says modification of use is sparking the site plan need.

Ms. Adams is asking for Site plan approval so they can get a C/O for the NJ DOT. She read 98-3 what is required for a site plan. Ms. Adams agrees that ADA parking is needed and that they will comply. They are also willing to delineate the spots to limit the parking there.

Mr. Zappala makes a motion to open to the public. Ms. Bellace seconds. All yes.

Mr. Zappala makes a motion to close to the public. Ms. Bellace seconds. All yes.

Ms. Bellace makes a motion to deny waiver of site plan. Mr. Weeks seconds. All yes.

Ms. Bellace makes a motion to grant conditional approval to modify site plan. Applicant will add streets and neighbors, square footage of building, delineated parking with a 9'x18' waiver for size, and a handicap spot with an aisle. Site lighting/street lights will be shown on plan. An engineer must sign and seal that the current lighting is adequate to meet standards. Mr. Zappala seconds. All yes.

CORRESPONDENCE & DISCUSSION

None

PUBLIC

Mr. Fromm makes a motion to open to public. Ms. Bellace seconds. All yes.

No public is heard

Mr. Fromm makes a motion to close to public. Ms. Bellace seconds. All yes.

There being no further business, Mr. Weeks made a motion to close the meeting at 10:15pm, seconded by Ms. Ayers. All yes.

Kimberly Schneider

Kimberly Schneider, Secretary

Planning Board

Borough of Swedesboro