

**MINUTES OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PENNSAUKEN**

A public meeting of the Zoning Board of Adjustment of the Township of Pennsauken, in the County of Camden, in the State of New Jersey was held on the above date via Zoom Video Communications. Chairwoman Butler called the meeting to order at 7:00 P.M. and led the flag salute. Roll call disclosed the following members present: Paul Hoyle, Lou Morales, Lysa Longo, Shirley Butler, Diane Piccari and Duke Martz. Acting Solicitor Steve Boraske, Esq., Zoning Board Engineer, Douglas White, Planning and Zoning Coordinator, Gene Padalino and Secretary Nancy Ellis were also on the video call.

The Chairwoman announced that the meeting was being held in accordance with the Open Public Meetings Act, notice has been sent to two local newspapers, and also posted on the Bulletin Board in the Municipal Building.

**HEARINGS:**

**WILKINS GARCIA** (Continued from October 7, 2020) - Seeking a use variance for 13 parking spaces on vacant land in connection with an existing non-conforming restaurant use and also seeking approval for outdoor tables and chairs in the P-1 zone where it is not a permitted use and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 5010 Westfield Avenue, Block 4706, Lot 3 in Zoning District P-1.

Mr. Padalino announced that this application will be continued to the hearing on December 16, 2020 and the applicant will not have to re notice or re publish the hearing.

**CHERYL HILL** - Seeking 5 feet of relief from the front yard setback requirement of 25 feet for a 12.5' x 6' deck on front of house and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 8406 Sheppard Road, Block 1617, Lot 10 in Zoning District R-3.

Cheryl Hill, 8406 Sheppard Road came forward to testify and was duly sworn by the Solicitor.

Ms. Hill testified that she would like to remove an existing deck that is in disrepair on the front of her house and replace it with a new deck. Ms. Hill further testified the deck is for her elderly father to sit on and enjoy and the deck will also be an improvement to her home.

Upon query, Mrs. Butler was informed by the applicant that she will hire a contractor to construct the deck, the deck will not have a roof and there is an existing light on the porch. Therefore, she will not have additional electrical service installed on the deck.

Upon query, Mr. Morales was informed by Ms. Hill that the deck will be made of composite wood and she will not be installing a handicap ramp.

Upon query, Miss Piccari was informed by the applicant that she will have the existing deck removed and a new deck constructed. The deck will be expanded to the left and right, there will be 4 steps and railings installed on each side of the steps as well.

Upon query, Mr. Martz was informed by the applicant that the deck will be setback 20 feet from the front property line.

The meeting was open to the public. There being no one who wished to speak, the meeting was closed to the public.

The Solicitor made the following factual findings: This is an application for bulk variance relief. The applicant, Cheryl Hill seeks 5 feet of relief from the front yard setback requirement in the R-3 Zone, which is 25 feet to permit a 12.5' x 6' deck on the front of her house. The property is located at 8406 Sheppard Road, Block 1617, Lot 10 in the R-3 Zoning District. In order to approve the deck as proposed by the applicant, the board must grant either a C1 or C2 bulk variance to permit a non-conforming front yard setback. The board can grant a C1 hardship variance when the existing conditions or improvements result in a hardship for the applicant. The applicant didn't offer any testimony or evidence that would support a hardship variance because there is nothing in particular that justifies no physical improvement or existing improvement on the property requires the front yard setback variance. However, the applicant did provide some testimony that the board may find that supports a C2 variance, which the board can

grant when the application advances the purposes of the land use law, improving the overall visual appearance and esthetics of the property, making the property safer, more secure and in this case the front yard setback variance is needed for those purposes and to permit the applicant's father to be able to access the deck and to sit on the deck and use the deck. However, a C2 variance can only be granted where the benefits outweigh any detriment. So, any adverse impact to the neighboring properties and the variance also cannot impair the intent and purposes of the township zoning plan. The applicant is requesting 5 feet of relief from the 25 foot setback requirement and it is not a substantial or significant deviation. So, the board could take into account when looking at the negative criteria and whether there is any negative impairment to our zoning code.

Mrs. Longo motioned to accept the fact finding. Miss Piccari seconded.

Mr. Morales motioned to grant the variance. He stated that he believes it will give more quality of life to the applicant's father and it will be an improvement to the home as well. Mrs. Longo seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Shirley Butler, Diane Piccari and Duke Martz-Aye. None Opposed.

**PATRICIA SORIA** - Seeking 14 feet of relief from the front yard fence setback requirement of 20 feet for a 6' vinyl fence and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 4436 Burwood Avenue, Block 5916, Lot 3 in Zoning District R-2.

Patricia Soria, 4436 Burwood Avenue came forward to testify and was duly sworn by the Solicitor.

Ms. Soria testified that she would like to replace an existing wooden fence with a 6 foot, white vinyl fence. Ms. Soria further stated that she would like to extend the fence on her property and she will have Home Depot install the fence.

Upon query, Mrs. Butler was informed by the applicant that she didn't have any complaints from her neighbors.

Upon query, Mrs. Longo was informed by the applicant that she will replace an existing wooden fence and replace it with a vinyl fence. Ms. Soria further informed Mrs. Longo that she will move the fence up on one side and install a gate.

Upon query, Mr. Hoyle was informed by the applicant that the fence will not infringe on her neighbor's property.

Upon query, the applicant informed Mr. Morales that one of their cars will be stored in the driveway behind the fence and one car will be parked in the driveway in front of the fence.

Upon query, Mr. Martz was informed by Ms. Soria that she would like to move the fence up even with the front of her house and the fence is for security and privacy.

Upon query, the Solicitor was informed by the applicant that the fence will be behind her existing front porch.

Upon query, Miss Piccari was informed by Ms. Soria that the fence will be installed on both sides of her home.

Upon query, Mr. Martz was informed by the applicant that her neighbor plans to remove bushes on their property along her property line. Mr. Martz suggested that as a condition to the approval, the applicant should obtain and submit a letter from her neighbor that they will be removing the bushes from their property before she has the fence installed.

The meeting was open to the public. There being no one who wished to speak, the meeting was closed to the public.

The Solicitor made the following factual findings: This is an application for bulk variance relief. The applicant is Patricia Soria and the subject property is located at 4436 Burwood Avenue, Block 5916 Lot 3. The applicant seeks 14 feet of relief from the R-2 Zone's front yard fence setback requirement of 20 feet from the front building line to permit the construction of a 6 foot, vinyl fence. The application requires a C1 or C2 bulk variance to be approved. There was no testimony as to a C1 hardship variance. There were supporting reasons for a C2 bulk variance. The vinyl fence may improve the overall appearance and visual esthetics of the subject property and it may benefit the applicant and the township by making the property more secure and safer. One condition of approval the board discussed was the applicant's neighbor must submit a letter stating that the applicant has permission to remove the bushes that are required. To grant a C2 variance the positive criteria, the benefits have to outweigh the negative, which are any detriment to the neighbor. Based on the condition to approval, there is some impact on the neighbor. However, the board is requiring confirmation from the neighbor that he or she is OK with

the application, so in some ways we a mitigating the possible public detriment and negative impact. Also, the application cannot impair the purpose or intent of the township zoning plan or ordinance.

Mrs. Longo motioned to accept the fact finding. Mr. Morales seconded.

Miss Piccari motioned to grant the variance with the condition the applicant obtains and submits a letter that they will be removing bushes from their property. Miss Piccari further stated that she believes the fence will improve the property by removing an old fence that is in disrepair and installing a new fence and the applicant needs the fence to secure her property as well. Mr. Morales second. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Shirley Butler, Diane Piccari and Duke Martz-Aye. None Opposed.

**RESOLUTIONS:**

**Resolution #Z-2020-20** granting **LORRAINE KELLY-AGUILAR** 20 feet of relief from the front yard fence setback requirement of 20 feet for a 6 foot wooden fence. Premises located at 6616 Lexington Avenue, Block 6109, Lot 28 in Zoning District R-2.

**Resolution #Z-2020-21** granting **SCOTT NOLTE** 20 feet of relief from the front yard fence setback requirement of 20 feet for a 6 foot vinyl fence. Premises located at 2638 Manall Avenue, Block 2906, Lot 17 in Zoning District R-2.

**BILLS:**

It was moved, seconded and unanimously agreed to pay the following bills:

T&M Associates-Engineering Services for AC Pellegrini Auto-**\$555.00**.

T&M Associates-Engineering Services for Wilkins Garcia (La Cocina Restaurant) parking addition-**\$2,647.50**.

T&M Associates-Engineering Services for 5115 Phillips Route 38-**\$475.00**.

**COORDINATOR'S REPORT:**

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 7:40 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary