

**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, Darlene Hannah, Diane Piccari, Patrick Olivo, and Duke Martz. Acting Solicitor Steve Boraske, Esq., Planning and Zoning Coordinator, Gene Padalino and Secretary Nancy Ellis were also on the video call.

Chairwoman Butler 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:**

**AMY MC CARTHY**-Seeking 37.12 feet of relief from the front yard fence setback requirement of 20 feet for a 4-foot vinyl fence in the front yard and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 2145 Penn Street, Block 621, Lot in Zoning District R-3.

Amy and Peter Mc Carthy, 2145 Penn Street came forward to testify and were both duly sworn by the Solicitor.

Ms. Mc Carthy testified that she and her husband live on a corner lot and they would like to install a fence in a portion of their yard to create a safe play area for their children.

Upon query, Mrs. Butler was informed by the applicant that they would like to install a 4-foot, vinyl fence.

Upon query, Miss Hannah was informed by the applicant that they will have the fence installed by Audubon Fence Company.

Upon query, Mr. Hoyle was informed by the applicant that there are other fences in the area and they will only install a fence in a portion of their back yard, up the side and towards the front of their house.

Upon query, Miss Piccari was informed by the applicant that they will be removing an existing chain-link fence before installing the vinyl fence.

Upon query, the applicant informed Mr. Morales that they will install 2 gates.

Upon query, Mrs. Longo was informed by the applicant that an existing Japanese Maple tree on their property will be enclosed behind the fence.

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: The applicant is seeking the fence primarily to provide a safe and secure area for their children to play and the applicant also testified that the fence will be white vinyl. The intention is to also increase the value of the property as an additional benefit, the fence will be esthetically pleasing and it is similar to other fences in the zone and the township. The existing chain-link fence that is on the property will be removed and the fence will be constructed by Audubon Fence Company. Ultimately, the applicant is looking to permit the fence on their property which is a corner property and it may have something to do with the request for a variance relief. The board can grant this application as either a C-1 hardship variance or a C-2 substantial benefit variance.

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

Mr. Morales motioned to grant the requested relief and stated he believes the applicant needs the fence for the safety of their kids, it will look nice and it will increase the property value as well. Miss Hannah seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Darlene Hannah, Shirley Butler, Diane Piccari, and Duke Martz-Aye. None Opposed.

**EMILIANO CRUZ**-Seeking 11 feet of relief from the front yard setback requirement of 25 feet for a 12' x 15'. 6" carport in the front yard and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 426 48<sup>th</sup> Street, Block 403, Lot 17 in Zoning District R-3.

Emiliano Cruz, 426 48<sup>th</sup> Street came forward to testify and was duly sworn by the Solicitor.

Mr. Cruz testified he built a carport to protect his family, in particular his new born child from the bad weather. Mr. Cruz further stated that the carport isn't attached to the house, it's approximately 14 inches away and he needs an 11-foot variance from the front of his house in order to keep the carport.

Upon query, Mrs. Butler was informed by Mr. Cruz that he built the carport himself out of pressure treated lumber.

Upon query, Mr. Olivo was informed by the applicant that the carport has vinyl gutters on each side with a metal roof and he installed electric for a motion light on the car port as well. Mr. Cruz further informed Mr. Olivo that he is a mechanical engineer by trade.

Upon query, Mrs. Longo was informed by the applicant that the carport is sits over his driveway on 4 posts, the car port is open, weighs approximately 1000 pounds and it can withstand the wind. Mr. Cruz further informed Mrs. Longo that the carport is painted white and it matches the house.

Upon query, Mr. Morales was informed that water runoff from the carport goes toward the street and away from the neighboring properties.

Mr. Hoyle commented that the carport looks good and well-built.

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 Emiliano Cruz and he is seeking 11 feet of relief from the front yard setback requirement of 25 feet for a 12' x 15'. 6" carport in the front yard. The subject property is 426 48<sup>th</sup> Street, Block 403, Lot 17 located in Zoning District R-3. The applicant testified that the carport in question that requires a variance resulted in a non-conforming front yard setback, it has already been constructed and it has been built from pressure treated materials with a metal roof. The carport has vinyl gutters, electric has been installed on the car port for a motion light for security, the carport is detached from the house and it is not on concrete. The applicant testified that he constructed the carport himself, he did not know he needed a permit at the time the carport was built and he is now seeking the variance relief and the proper permits from the township Building Department. The board can approve the as-built carport as either a C-1 hardship variance or a C-2 substantial benefit variance.

Miss Longo motioned to accept the fact finding. Mr. Hoyle seconded.

Miss Piccari motioned to grant the application and stated she believes the carport seems to be well built and he needs the carport to keep his family out of the elements from the car to the house. Mr. Morales seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Darlene Hannah, Shirley Butler, Diane Piccari, and Duke Martz-Aye. None Opposed.

**ANNA AND KERIN NORTH**-Seeking 36 feet of relief from the front yard fence setback requirement of 20 feet for a 6-foot vinyl fence in the front yard and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 2929 Finlaw Avenue, Block 2918, Lot 1 in Zoning District R-2.

Anna and Kerin North, 2929 Finlaw Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. North testified they would like to install a 6-foot vinyl fence on their property for security, safety for their dog to run in their yard and for privacy. The applicant further stated they also want to keep stray cats, other dogs and wild animals from accessing their property as well. Mr. North also stated that he believes the fence will add value to their property and to the neighborhood.

Upon query, Mrs. Butler was informed by the applicant that their neighbors' have fences and the wood fence behind the shed on their property was there when they purchased the house.

Miss Piccari commented that she road by their property, they don't have any privacy and can understand why they need a fence.

Upon query, Mrs. Longo was informed by the applicant that they have a screened in porch on their house, mostly a side yard and they only want the fence to go up to the sides to the front corner of their house.

Upon query, the applicant informed Mr. Martz that the fence will not go up to the sidewalk.

Mr. Hoyle commented that he understands why they need a fence.

Upon query, Mr. Morales was informed by the applicant that they will install a gate on each side of the fence.

Upon query, Mr. Padalino was informed by the applicant that they will angle the fence on one side near their neighbor's driveway so that the fence doesn't block their site line.

The meeting was open to the public.

Kathleen & Dennis Collopy, 7291 Rogers Avenue came forward to testify and both were duly sworn by the Solicitor.

Mrs. Collopy testified that she is the applicants' next-door neighbor, they have lived at their property for 53 years and that side of the yard where the applicants propose to install a fence has been open all these years. Mrs. Collopy further testified that a fence will block their site line and negatively affect their property.

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

Mrs. Longo recused herself from this application because she worked with Kathleen Collopy.

Mr. Olivo assumed the seat for Mrs. Longo.

The Solicitor made the following factual findings: This is an application for bulk variance relief. The property is located at 2929 Finlaw Avenue, Block 2918 in the R-2 Zoning District. The applicant is seeking 36 feet of relief from the front yard fence setback requirement of 20 feet for a 6-foot vinyl fence in the front yard. The applicant testified that the fence is primarily for privacy as well as safety. They live on a corner property, there are similar fences in the neighborhood, also the fence will keep undesirable critters and wildlife from gaining access to their property. As the board knows, this application can be granted as either a C-1 hardship variance or a C-2 substantial benefit variance. A C-1 hardship variance can be granted when the board finds that due to the unique shape or existing condition of the property. The applicant has limited side yard and the board may find the variance is justified to permit the fence. The board could also consider the C-2 substantial benefit variance when the improvements advance the municipal land use law such as safety, security, promotion of the general welfare and improving the visual appearance of the property. The board also has to consider as to whether there is any substantial detriment to the public and any negative impact on the neighbors. The applicants' neighbors did come out and testified that they feel there is a negative impact on their quality of life and on their property. It's ultimately the decision of the board as to whether they agree that there is a negative and the board has to weight the

positives and the negatives of this application. The conditions to the approval are the standard conditions and also the fence must be constructed in such a way that it will not obstruct any views from a driveway or cause any safety issues. Specifically, the applicants' neighbors.

Mr. Olivo motioned to accept the fact finding. Mr. Morales seconded.

Miss Hannah motioned to grant the requested relief and stated she believes the applicant needs the fence for the safety, security and their privacy with the condition that the fence will not be an obstruction to the neighbors' driveway site lines. Mr. Morales seconded. Roll call: Paul Hoyle, Lou Morales, Darlene Hannah, Shirley Butler, Diane Piccari, Patrick Olivo and Duke Martz-Aye. None Opposed. Lysa Longo abstained.

**WILLIAM DEPUTY**-Seeking a variance to enclose a 30' x 60' existing structure to use as a detached garage which will exceed the maximum accessory structure size of 400 square feet as per Township ordinance number 141-76 (B) and any other variances and waivers that may be required by the Pennsauken Zoning Board. The applicant is also seeking approval to store his tree/landscaping equipment inside the detached garage. Premises located at 8301 Corbett Road, Block 2409, Lot 46 in Zoning District R-1.

Mr. Martz recused himself from this application because he works with the applicant's fiancé.

Mr. Olivo assumed the seat for Mr. Martz.

William Deputy, 8301 Corbett Road came forward to testify and was duly sworn by the Solicitor.

Mr. Deputy testified that he would like to convert the existing pavilion at the former Meadowbrook Swim Club property into a garage to use for storing his lawn equipment. He will hire a contractor to install walls and doors in the existing structure.

Upon query, Mrs. Longo was informed by the applicant that he will use the garage for storage only and eventually he plans to build a house on the lot as well.

Upon query, Mr. Padalino was informed by the applicant that the existing pavilion has a concrete slab and roof. He will enclose the pavilion and convert it to a garage. The applicant further stated that he will be removing the existing pools at the site as well.

Upon query, Mrs. Butler was informed by the applicant that he purchased and owns the property and he will use the garage to store his business and personal equipment. Mr. Deputy further informed Mrs. Butler that he will store his work vehicles, chain saws and lawn mowers in the garage.

Upon query, Mr. Hoyle was informed by the applicant that the existing structure is approximately 60 feet away from the residential neighborhood.

Upon query, Mrs. Longo was informed by Mr. Deputy that the garage will remain at the same height.

Mr. Padalino commented that the property is very deep, to the right of the property is PSE&G land and there is plenty of open space.

Upon query, Mr. Deputy informed Mrs. Longo that he will store his landscaping business equipment at the property including his pickup trucks, bucket trucks and they will be stored on the PSE&G property side. The applicant further stated that he will store the trucks on stone.

Upon query, the applicant informed Miss Hannah he will not be changing the use of the property. He will be using the property for his residential single-family home and use the garage for storage. He will be removing the pools and build his home on the lot.

Upon query, Mrs. Longo was informed by the applicant that he purchased the property approximately 2 months ago and he currently has his trucks stored in 2 different locations.

The Solicitor stated that the accessory structure is 1,800 square feet and the principal home has to be larger than the accessory structure on the lot. The Solicitor further stated that the applicant may need a use variance in order to use the property for storing his business equipment.

Mr. Padalino announced this application will be continued to the hearing on June 16<sup>th</sup> at 7:00. The applicant does not have to re-notice or republish the hearing.

**CORRESPONDENCE:**

None

**MINUTES:**

It was moved, seconded and unanimously agreed to approve the meeting minutes from the May 5th and May 19th, 2021 hearings.

**RESOLUTIONS:**

**Resolution #Z-2021-10** granting **TERRI WHEELER** 3 feet of relief from the side yard setback requirement of 20 feet for a 15' x 24' semi-inground pool and 20 feet of relief from the 20-foot fence setback requirement and any other variances or waivers that may be required by the Pennsauken Zoning Board. Premises located at 6758 Walnut Avenue, Block 3105, Lot 17 in Zoning District R-3.

**Resolution #Z-2021-11** granting **JOANNA VALDEZ** 4 feet of relief from the rear yard setback requirement of 30 feet and also 4 feet of relief from the total side yard aggregate of 18 feet for a 15' x 25' addition and deck as well as any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 533 West River Drive, Block 414, Lot 5 in Zoning District R-3.

**BILLS:**

None

**COORDINATOR'S REPORT:**

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 9:10 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary