

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
April 3, 2019**

MR. BEDNAREK: The Regular Meeting of the Zoning Board being held April 3, 2019 beginning at 6:54 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ. Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by advertising this Regular Meeting in the Burlington County Times on January 15, 2019 and by advertising this Regular Meeting in the Courier Post on January 15, 2019.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision, and decorum appropriate to a judicial hearing must be maintained at all times.

Members Present – Mr. Bednarek, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mrs. Wolaniuk, Mr. Sell and Mr. Devlin.

Also Present: Mr. Strobel, Board Attorney and Patricia Rucci, Board Secretary.

MR. BEDNAREK: The Board's policy is not to commence hearing a matter after 10:00 p.m., but instead to adjourn the matter to the next regularly scheduled meeting. Any matters still being heard at 10:00 p.m. may be completed that evening or may be adjourned to the next regularly scheduled meeting at the Board's discretion.

MR. BEDNAREK: Case # 19-3-2 – Kathleen Cidoni – Bulk Variance – 16 Ascot Lane, Block 3106, Lot 2 – This case was rescheduled to tonight's Zoning Board Meeting.

MR. STROBEL: He swears in Kathleen Cidoni.

MRS. CIDONI: Parry is a crossroad. It is an extremely busy road. Almost all of her neighbors also have a fence along Parry and in our development as well. They have a pool there now. There is a fence around the pool that was there when they purchased the house in 2017. Their plan is to fence in the rest of the back yard and have the fence kind of connecting to the pool in the backside here. It will start exactly where our house is and where the deck meets, come out toward Parry, go straight down the back and then connect to the back of the pool. She presented the following Exhibits:

Exhibit A-1, A-3, A-4 and A- 7 – Photographs of the applicant's property. She described the photographs to the Board.

Exhibit A-2 – Survey of Property

Exhibit A-5 and A-6 - Photographs of the applicant's daughter

MR. BEDNAREK: The fence that you are adding to this property is not a privacy fence?

MRS. CIDONI: Correct. We had a bunch of trees that were overgrown on our property when we moved in. We removed the trees. Once the fence is up, we will be replanting Arborvitaes and maybe Hydrangeas. Something decorative to give more privacy and make it look better.

MR. HARE: What is around the pool now?

MRS. CIDONI: We had this little retaining wall built. Other than that, there is nothing.

MR. HARE: There is a rod iron fence there.

MR. CIDONI: There is a rod iron fence.

MR. HARE: You have an existing rod iron fence that encompasses the pool.

MRS. CIDONI: (Inaudible)

The Board and the Applicant discussed the fence.

MRS. GALOSI: Do you have an HOA?

MRS. CIDONI: Yes. We sent them the documents.

MR. HARE: When you bought the house, what were your thoughts about a fence?

MRS. CIDONI: We always knew we wanted a fence. We knew we had our hands full outside. There were liquor bottles and it was very overgrown.

MR. STROBEL: What type of fence are you proposing?

MRS. CIDONI: 54" Black Aluminum. We are doing two gates. She identified the location of the gates.

MR. BEDNAREK: None of these gates are required to be pool safety gates.

MRS. CIDONI: No.

MR. BEDNAREK: Your remaining fence will still be the pool safety gate.

MRS. CIDONI: Yea.

MR. BEDNAREK: He opened the public portion of the meeting.

A member of the Public came forward to view the Exhibits.

MR. BEDNAREK: He closed the public portion of the meeting.

A MOTION IS MADE BY MR. HARE, seconded by Mrs. Galosi, to approve a 54 inch aluminum fence similar to the one that is existing around the pool, coming off of the corner of the side of the house, ten foot setback where 25 foot is required, going all the way down the property line to the back of the house, running 70 feet over and coming back up the other side to adjoin the existing fence around the pool. The gates on the front of the fence, the second gate on the back of the fence facing the back of the property. A hedge of Arborvitae or something similar on the outside of the fence on the side of Parry Road. Contingent upon the HOA giving written approval. Standard conditions. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mrs. Wolaniuk, Mr. Sell and Chairman Bednarek, no opposed motion passes.

MR. BEDNAREK: Case #19-4-1 – Eric Crosby – Bulk Variance – 100 Hastings Place, Block 3402.02, Lot 16.

MR. STROBEL: He asked if we had a survey for this application - Case #19-4-1 – Eric Crosby – Bulk Variance – 100 Hastings Place, Block 3402.02, Lot 16.

The Board took a recess so Mrs. Rucci could make copies of the survey.

MR. BEDNAREK: Case #19-4-1 – Eric Crosby – Bulk Variance – 100 Hastings Place, Block 3402.02, Lot 16.

MR. STROBEL: He swears in Eric Crosby. Eric Crosby is the owner of the property.

MR. CROSBY: He presented the following Exhibits:

Exhibit A-1 through Exhibit A-4 – Photographs of the exterior of the property.

Exhibit A-1 – Photograph of Hastings and Smethwycke - Front of House and side Yard.

Exhibit A-2 – Photograph of Lenola Road facing the side yard.

Exhibit A-3 – Photograph looking directly from Smethwycke west.

Exhibit A-4 – Photograph standing at Smethwycke at the intersection of Lenola looking (inaudible) so you can see where the sight lines are.

MR. CROSBY: You are also in possession of a sight survey that outlines the current lot of the house. If you look at the survey, there should be a little bit of a (inaudible) where it actually shows a sketch of a 10-foot variance. We are looking for where 20 is required

MR. BEDNAREK: Is there going to be a fence across the 25 foot setback from the back of the house?

MR. CROSBY: No. The fence will be in front of the tree line.

MR. BEDNAREK: You are going to put a fence across the back of the house though.

MR. CROSBY: Correct.

MR. HARE: How far is it going to be from the property line?

MR. CROSBY: It will be in front of the 25 foot (inaudible) easement.

MR. CROSBY: With the sunroom taking up a large space of the yard and with visibility of all the windows being open, the other request would be that of visual security.

The Board discussed the proposed fence, two site triangle easements and the site triangle.

MR. STROBEL: Is there HOA?

MR. CROSBY: No.

The Board and the applicant continued to discuss the site triangle and the proposed fence.

MR. BEDNAREK: We are talking about a 6 foot vinyl fence

MR. CROSBY: Correct.

MR. CROSBY: Privacy- Five foot with one foot lattice.

MR. BEDNAREK: Where would the gates be?

MR. CROSBY: The proposed gate would be on the side that would wrap around the sun room, if that additional space was granted and on the other side as well.

MR. BEDNAREK: The side that is to Smethwycke Drive.

MR. CROSBY: Correct.

MR. BEDNAREK: So, it would be off the side of the porch towards Smethwycke Drive.

MR. CROSBY: Correct.

MR. BEDNAREK: He asked where the other gate was located.

MR. CROSBY: On the other side of the house where the dog run would come up.

MR. HARE: Facing Hastings?

MR. CROSBY: Correct.

MR. BEDNAREK: Is there a white privacy fence facing Hastings?

MR. CROSBY: Our next door neighbor is not a privacy. It is a four foot (inaudible)

MR. BEDNAREK: What are you proposing to do for the gate? You said you are putting a gate in that is facing Hastings.

MR. CROSBY: Correct. On that side since the neighbor's fence is four foot, to do four foot along that side to match it.

MR. HARE: Would you be okay with putting a four foot fence all the way around the house?

MR. CROSBY: If that is what I was granted. Absolutely.

MR. BEDNAREK: If the site triangle comes into play, I don't know if I can grant relief for that. That is a County issue I believe. If that is really a Site Triangle that is there. County can do things on a County Road. I don't know that I can.

The Board and Applicant continued to discuss the fence and site triangle.

MR. BEDNAREK: Would there be shrubbery on the outside of that fence?

MR. CROSBY: Absolutely.

MR. BEDNAREK: So, it be fully landscaped (inaudible).

MR. CROSBY: Yes.

MR. BEDNAREK: They would be planted within the setback, which is remaining, which is 10 feet where 20 is required.

MR. STROBEL: Along Smethwycke Drive.

MR. BEDNAREK: Correct.

MR. BEDNAREK: He opened the public portion of the meeting.

MR. STROBEL: He swears in Rosemay Heisler and (Inaudible).

MS. HEISLER: She spoke about her previous approval. She reviewed the location of the fence.

DENISE GROH – She asked about the Site Triangle.

MR. BEDNAREK: Site Triangles are put in place to reduce site impact accidents. So, you can see clearly and pull out into traffic. I am looking at something that a surveyor provided and it has site triangles on it. I don't know for certain if they are the County site triangles or if the

County put site triangles on it. I have two site triangles on the diagram. They are both different. The one in the neighborhood between Hastings and Smethwycke is a different site triangle than the one that goes on Lenola Road.

MR. BEDNAREK: You are proposing to put the fence in ten feet from the side of your house and it goes up about mid-way through where your house is right now.

MR. HARE: He asked about the negative and positive criteria.

Positive and Negative Criteria was discussed.

MR. HARE: We just want to confirm that if we were to grant a ten foot setback on the back of the property coming out of the screen porch, where a 20 foot setback is required, that you are okay with that.

MS. HEISLER: Yes. I am okay with it.

MR. BEDNAREK: You wish the fence to end (inaudible) back of the house.

MS. HEISLER: Where this thing is. Where this screened in room is.

MR. HARE: Where the screened in meets the house?

MS. HEISLER: Yes. In that area.

MR. BEDNAREK: It goes a couple more feet.

The applicant identified the location of the fence.

MS. HEISLER: I guess that is fine.

MR. BEDNAREK: He opened the public portion of the meeting again.

MR. STROBEL: He swears in Steve Crilly. He referred to young children being at the applicant's house. He is concerned about the busy road, keeping everyone enclosed and safety is a priority.

The applicant and Board continued to speak about the fence size and site triangle. They discussed about the applicant doing more homework and continue the application for another month.

MR. BEDNAREK: Closed the public portion of the meeting.

The Board discussed their thoughts regarding this application.

The Board and the Applicant discussed the size of the fence.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to grant a ten foot side yard setback where twenty foot is required with a 6 foot vinyl fence contingent upon the County letter of approval or letter of no interest on the site triangle issue or any governing body that is on that Deed . Landscaping on the outside of that fence. The shed moves within the property. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell and Chairman Bednarek, NAY, Mrs. Wolaniuk, motion passes.

A MOTION IS MADE BY MRS. GALOSI, SECONDED BY MR. HARE to approve the Resolution for Case # 19-3-1 – Karyn Gordon – Bulk Variance, 2617 Barton Drive, Block 3202, Lot 11 – Conditionally granting bulk variance to construct fence leaving zero (0) foot front yard setback where thirty (30) feet is minimum required. VOICE VOTE, AYE, Abstain, Mrs. McStravick and Mrs. Wolaniuk, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI, seconded by Mr. Hare to approve the March 6, 2019 Regular Meeting Minutes. VOICE VOTE: ALL AYE, Abstain, Mrs. McStravick and Mrs. Wolaniuk, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI, seconded by Mr. Sell to approve the vouchers for Pennoni Associates listed on the Agenda. VOICE VOTE: ALL AYE, Abstain, Mrs. McStravick, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI, seconded by Mr. Hare to approve the vouchers for Richard Strobel listed on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

MR. BEDNAREK: He opened the public portion of the meeting. No one came forward.

MR. BEDNAREK: He closed the public portion of the meeting.

MR. STROBEL: The litigation is still unresolved.

A MOTION IS MADE BY MR. HARE, seconded by Mr. to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

Patricia Rucci