

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 7, 2020**

TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850, and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the TOWNSHIP OF CINNAMINSON does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the Cinnaminson Township Zoning Board of Adjustment meeting is scheduled for October 7, 2020 at 6:30 p.m. at 1621 Riverton Road, Cinnaminson, New Jersey will be held electronically using Zoom audio and visual technology. Formal action may be taken. Any interested party will be able to appear and fully participate at the hearing, in accordance with the rules of the Zoning Board of Adjustment, including providing comment and offering exhibits. For members of the public who wish to attend using Zoom video and audio features on the internet, visit <https://zoom.us>, click "Join A Meeting", enter the following Meeting ID: 923 868 6246, and enter the following Password: 203375. For members of the public who wish to attend using a telephone, call one of the following numbers: +1 929 205 6099 US, +1 312 626 6799 US, +1 253 215 8782 US, +1 301 715 8592 US, +1 346 248 7799 US, +1 669 900 6833 US, and enter the above listed Meeting ID and Password. It is recommended that any interested party desiring to offer exhibits, or view exhibits that have been submitted on behalf of the applicants, contact the Zoning Board secretary, Patricia Rucci, at 856-829-6000 ext. 2313, in advance for guidance.

PLEASE NOTE: Agenda is subject to change

Zoom Meeting ID: 923 868 6246

Password: 203375

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The Regular Zoom Meeting of the Zoning Board being held October 7, 2020 is scheduled for 6:30 p.m.

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 19, 2020 and by advertising this Regular Meeting in the Courier Post on January 18, 2020 and by advertising this Regular Meeting in the Burlington County Times on September 16, 2020 and in the Courier Post on September 15, 2020.

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.

ROLL CALL: Members Present – Chairman Bednarek, Mr. Conway, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell and Mr. Devlin.

Also Present: Mr. Strobel, Board Attorney and Patricia Rucci, 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 #20-10-1 – David Kell – Bulk Variance – 602 Parry Blvd, Block 3003, Lot 2.

MR. KELL: He is looking to build a shed in the side yard.

MR. KELL: He wants to build a shed in the side yard opposed to the rear yard. He wants a 3-foot setback instead of 15 foot.

MR. STROBEL: He swears in Mr. Kell.

Mrs. McStravick arrived at the meeting.

MR. KELL: He wants to build a shed in the side yard. He wants a 3-foot setback instead of 15 foot. No loss of view from the neighbor's property. He thinks the shed would look nice from the street line.

The following Exhibits were presented:

Exhibit A-1 – Survey Plan

Exhibit A-2 – Photograph of side yard from Parry Road.

Exhibit A-3 – Photograph showing where he wants to put shed.

He identified the area where the shed would be installed. The shed is 16' x 8' and is rectangular. The door will be on the longer side.

MR. BEDNAREK: The 16 will be how long it is going to be. It will be 8 into your property.

MR. KELL: Yes. The 16 from the back to the front of the property and the 8 side to side.

MR. BEDNAREK: He asked about the brick wall.

MR. KELL: The wall is pre-existing when we bought the house. The shed is wood with an asphalt roof and architectural shingles. The shed will be beige to match the house.

Exhibit A-4 – Photograph showing both of the neighbor's sheds. He has a view of his neighbor's sheds.

The foundation of shed will be crushed stone base. No electric.

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

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

A MOTION IS MADE BY MR. SELL seconded by Mrs. McStravick to approve a 16' x 8' wooden shed, T1-11 tan in color that matches the house, and a shingle roof, crushed stone flooring, (inaudible) four by fours and all standard conditions. ROLL CALL VOTE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell, and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-10-2 – Israel Rodriguez and Gladys Ceballos Rodriguez – Bulk Variance – 824 Pear Avenue, Block 605, Lot 7.03

MR. STROBEL: He swears in Israel Rodriguez and Gladys Ceballos Rodriguez.

MR. STROBEL: Does the survey included a mark up of the proposed location of the fence?

MR. MARSHALL: The fence is proposed at the property line with zero feet setback.

The following Exhibits were presented:

Exhibit A-1 – Survey Plan

Exhibit A-2 – Photograph of side yard taken from Pear Street.

Exhibit A-3 – Photograph of side yard taken from Hunter Street.

Exhibit A-4 – Photograph of side yard closer towards Hunter Street.

MR. RODRIGUEZ: He reviewed the photographs with the Board. He wants the fence out 15 feet to bring it towards the left corner of the house.

MR. MARSHALL: The property line is 15 feet. The house is built at the setback of 15 feet. The fence that was constructed on the rear corner of the house is also at the required setback of 15 feet. Mr. Rodriguez would like to push that out to the property line which would be 7-foot setback from the curb. The property line is located 7 feet in from the curb along Hunter Street. There is no sidewalk.

MR. RODRIGUEZ: He has a small yard. Approximately 34 feet wide x 31 feet. If the variance is approved, it would give him another yard. He wants to have room for his family, dog, shed and storage.

MR. BEDNAREK: He asked if the applicant and neighbor had common gate.

MR. RODRIGUEZ: There is no common gate.

MR. BEDNAREK: Is there a fence running between the two properties?

MR. RODRIGUEZ: Yes, there is.

MR. BEDNAREK: That fence goes from the gate to the back pin of your property.

MR. RODRIGUEZ: Yes.

The Board viewed the survey plan to see the size of the property in the rear.

MR. RODRIGUEZ: There is not much space between my house and the fence.

MRS. RODRIGUEZ: She said on that side they have their AC Unit and two garbage and recycling cans.

MR. BEDNAREK: Is there any other distance you would consider other than the 15 feet?

MR. RODRIGUEZ: We are asking for 15 feet because if we got a shed, we would need to be 3 feet back from the property line. They plan on putting in a PVC just the same way we have.

Some of the Board Members expressed concerns about the fence coming out that far.

MR. SELL: Would you say you have a smaller yard than your neighbors?

MR. RODRIGUEZ: Yes. We could use more space in our yard.

MR. SELL: If we granted your application, you would be able to encapsulate more of your property within the fence line and would afford you more privacy and protection. Is this true?

MR. RODRIGUEZ: That is true.

MR. HARE: He asked if Mr. Rodriguez built the house.

MR. RODRIGUEZ: We are the original home owner.

MR. HARE: He asked what the community benefits were.

MRS. RODRIGUEZ: We have a large dog. If we had more space, the dog would be inside the yard.

MR. BEDNAREK: Mr. Marshall, if this property were landlocked, putting that fence where Mr. Rodriguez is requesting is completely permissible?

MR. MARSHALL: That is correct. If it was not a corner property with two front yard setbacks, he could fence in both side yards and capture his entire his 50-foot width of his rear yard.

MR. MARSHALL: You desire to put in shed.

Mr. Marshall and Mr. Rodriguez spoke about the location of the shed.

MR. MARSHALL: The shed is required to be a minimum of 3 feet from the property line.

MR. RODRIGUEZ: If we didn't get the variance, I would probably not put a shed. It wouldn't be a useful yard then.

MR. MARSHALL: The Chairman asked if you would consider not going out the full 15 feet. And reducing that. Would you consider that?

MR. RODRIGUEZ: Could we maybe split it in half?

MR. MARSHALL: That is something you would need to decide. He spoke about the fence sections being 8 foot sections.

MR. SELL: The Rodriguez's yard is smaller than others in the neighborhood. He thought their application was reasonable.

The Board and the Applicant continued to discuss the fence and small yard.

MR. BEDNAREK: There is a 7-foot grass buffer. Where would you put gate?

MR. RODRIGUEZ: I guess I would like to. The gate would probably be back in the rear yard.

The following Exhibits were presented:
Exhibit A-2 – Hunter Street is on the right.
Exhibit A-3 – He wants to install same fence.
Exhibit A-4 – From Hunter Street.

MR. RODRIGUEZ: He explained the photographs to the Board. He explained where he wants to install the fence. He said he wants to put a gate on the side. He wants the fence for security.

The Board and the Applicant continued to discuss the fence and size of yard.

MR. RODRIGUEZ: If possible, we are asking for 15 feet.

MR. BEDNAREK: He referred to the letter from Laura Clemens.?

MR. STROBEL: He spoke about the State of Emergency in effect. He spoke about written submissions from the public. Usually submissions are not considered. The rules say we have to read them into the record.

MR. STROBEL: He read the letter. He asked the Chairman to ask the applicant if they had any comments.

MR. RODRIGUEZ: He had no comment. He advised that the neighbors who wrote the letter did not reach out to them.

The Board looked at the Exhibit to see where the neighbor's house was located.

MR. MARSHALL: He identified the neighbor's house and the elevated front porch.

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

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

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the request to extend the fence along the side of the house from the corner of the front to the back. Same type of fencing, White PVC. Leaving 7 feet from the curb to the fence. Keep the grass cut, but not installing landscaping. If the Township wants to put a curb (Inaudible). The fence runs on the property line. The applicant will maintain property to the street. 7 feet from the property line. (Inaudible) The gate in back of property. Standard conditions. The gate will be a regular 4-foot wide gate. ROLL CALL VOTE, AYE, Mr. Conway, Mrs. Galosi, Mrs. McStravick, Mr. Trampe, Mr. Sell, Mr. Devlin, Mr. Bednarek, NAY, Mr. Hare, motion passes.

MR. BEDNAREK: Case 20-10-3 – Chris and Shannon Green – Bulk Variance – 2208 Conrow Road, Block 2808, Lot 19.

MR. STROBEL: He swears in – Chris and Shannon Green.

MRS. MCSTRAVICK: She has a listing for the sale of a home within 200 feet. She recused herself from this application.

The following Exhibits were presented:

Exhibit A-1 – Survey Plan

Exhibit A-2 – Photograph of the front of the Applicant's home.

Exhibit A-3 – Photograph looking from Conrow Court to back of house.

Exhibit A-4 – Photograph showing the back of the house.

Exhibit A-5 – Photograph view of back of home. Showing Conrow Road in the background.

MR. GREEN: He described where he wants to put the fence. They got a puppy and need a fence. They have limited back yard space. Most of their yardage is on the sides.

MR. BEDNAREK: You want to be 10 feet off of property line.

MR. GREEN: Yes. He wants a black vinyl coated, chain link fence.

MR. MARSHALL: He referred to the survey. He described the location of the fence.

MR. STROBEL: Will the fence begin and end at front of building corners?

MR. GREEN: Yes. There will be a gate on the walkway and the Conrow Road side. Our address is for Conrow Road.

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

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

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the variance for a 10-foot front yard setback where 30 feet is required with standard conditions. The fence will be a 4 foot, black vinyl coated, chain link system fence. ROLL CALL VOTE, AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. Sell, Mr. Devlin, Mr. Bednarek, Abstain, no opposed motion passes.

RESOLUTIONS:

A MOTION IS MADE BY MR. SELL seconded by Mrs. Galosi to approve the Resolution for Case #19-6-1 – Specialized Industrial Associates - 1705 Industrial Highway, Block 806, Lot 1.02 - Conditionally granting extension of preliminary site plan and use variance approvals for period of time expiring one (1) year following date of expiration of New Jersey’s current public health emergency. VOICE VOTE: ALL AYE, Abstain, Mr. Hare, no opposed, motion passes.

A MOTION IS MADE BY MR. SELL seconded by Mrs. Galosi to approve the Resolution for Case #20-9-1 – Steven and Gwen Luecke -1202 Columbia Avenue, Block 1602, Lot 8 - Conditionally granting bulk variances to construct addition to existing house garage leaving fourteen (14) foot front yard setback where twenty (20) feet is minimum required and garage square footage of 1,166 where 864 is maximum allowed. VOICE VOTE: ALL AYE, Abstain, Mr. Hare, no opposed, motion passes.

A MOTION IS MADE BY MR. SELL seconded by Mrs. Galosi to approve the Resolution for Case #20-9-2 – Richard L. Hymanson, Jr. - 109 Monticello Drive, Block 2605, Lot 7 - Conditionally granting bulk variance to construct front porch addition leaving thirty-seven (37) foot front yard setback where fifty (50) feet is minimum required. VOICE VOTE: ALL AYE, Abstain, Mr. Hare, no opposed, motion passes.

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

The September 2, 2020 Minutes will be on the November Zoning Board Agenda.

MOTION IS MADE BY MRS. GALOSI seconded by Mr. Sell to approve the voucher for Richard Strobel for Specialized Industrial Associates in the amount of \$472.50. This is a conditional approval. Once we receive the escrow from the applicant, the invoice will be paid. 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.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

Patricia Rucci