

**CINNAMINSON TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
May 5, 2021**

Zoom Meeting ID: 923 868 6246

Password: 203375

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The Regular Zoom Meeting of the Zoning Board being held May 5, 2021.

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, 2021 and by advertising this Regular Meeting in the Courier Post on February 5, 2021.

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, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell and Ms. Woodman.

Also Present: Richard 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 #21-5-2 - Katherine and Jeremy Minuto – Bulk Variance - 401 Sherwood Drive, Block 3304, Lot 7. The Applicant asked for this application to be postponed to the Zoning Board Meeting on June 2, 2021.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to continue Case #21-5-2 - Katherine and Jeremy Minuto – Bulk Variance - 401 Sherwood Drive, Block 3304, Lot 7 to the June 2, 2021 Zoning Board Zoom Meeting at 6:30 PM with no further notice required. VOICE VOTE: ALL AYE, no opposed, motion passes.

MR. BEDNAREK: He spoke about the passing of Chuck O'Malley on April 18, 2021. Chuck was a long time member of the Zoning Board.

MR. BEDNAREK: Case #21-5-1 – Stephen Egan – Bulk Variance – 20 Oakwood Drive, Block 1409, Lot 10.

MR. STROBEL: He swears in Stephen and Simone Egan.

MR. BEDNAREK: You are seeking a fence with a zero foot where a 20-foot setback required on the long side of a corner lot which counts as a front yard.

MR. EGAN: Yes. They are first time home owners. Their back yard is open to the public. They want safety and privacy. Their neighbor has their fence with a zero-foot setback. They want to match their neighbor's fence up to the side.

The Applicant described the Exhibits.

Exhibit A-1 – Survey Plan – The highlighted area shows the proposed fence location. They will be fencing in the entire property. The fence will be a 6-foot white vinyl privacy fence. The gate on the long side, right by where the door is on the side of the house. There will be one gate.

Exhibit A-2 – Photograph of Side of House.

Exhibit A-3 – Photograph of Side of House. They want to meet their neighbor's fence.

Exhibit A-4 – Photograph of Rear Yard.

Exhibit A-5 – Photograph of Back corner of their lot.

Exhibit A-6 – Photograph of Side of Property.

Exhibit A-7 – Photograph of Side of Property.

Board Members expressed concern about the zero-foot setback.

MR. STROBEL: He suggested that the Board take an informal survey from the Board Members regarding the setback.

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

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

The Board Members expressed their thoughts regarding the an 8-foot setback instead of a zero-foot setback where 20 feet is required.

MR. EGAN: He thought the best course of action would be the 8-foot setback.

MR. HARE: There are two setbacks involved. There is a setback for the back fence and a setback for the side fence. The setback on the back fence is zero foot where 20 foot is required and the setback for the side fence is 8 foot where 20 feet is required.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve a side yard setback of a fence of 8 foot where 20 foot is required with the back fence that is perpendicular to the sidewalk would have an 8-foot encroachment out to the property line. The rear portion of the fence will have an encroachment from the 8-foot setback to zero setback on the property line. The fence coming forward will stop just past the door. The applicant has testified to it is a 6-foot standard vinyl fence. Standard conditions will apply. There will be a standard size gate on

this side of the house. ROLL CALL VOTE: AYE, Mr. Devlin, Mr. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed motion passes

MR. BEDNAREK: Case #21-5-3 – Jose Ribeiro – Bulk Variance – 905 Pear Street, Block 507, Lot 17.03.

Mr. Strobel: He swears in Jose Ribeiro.

MR. RIBEIRO: He installed a carport 3 or 3 ½ years ago. He didn't know that he needed a permit because the carport wasn't enclosed.

MR. BEDNAREK: The carport is existing today.

MR. RIBEIRO: Yes.

MR. BEDNAREK: We are making this correct to get the variance.

MR. RIBEIRO: Correct.

MR. DEVLIN: You are not seeking to change the carport just to have it approved as is.

MR. RIBEIRO: Yes. He still has to finish the carport.

MR. BEDNAREK: There is more to be done to it, but the perimeter of the structure is the perimeter of the structure.

MR. RIBEIRO: Yes.

MR. DEVLIN: It will be open on the front and back.

MR. RIBEIRO: Yes.

MR. RIBEIRO: He described the Exhibits to the Board.

Exhibit A-1 – Survey Plan

Exhibit A-2 – Photograph of the carport – He needs to put aluminum, soffit and gutter.

Exhibit A-3 – Photograph of the carport.

MR. HARE: He expressed concerned about not getting a permit prior to building the carport.

MR. O'DONNELL: He recommended that the down spout drain to the driveway and not the side yard.

MR. RIBEIRO: Yes.

MR. BEDNAREK: Pointing out toward the street.

MR. RIBEIRO: Yes.

There were no other comments from Board Members.

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

MR. STROBEL: He swears in Erica Sanchez.

MS. SANCHEZ: She lives next door. She has no issue with the carport. She doesn't want the drain spout draining on her property. She inquired about the fence line. If she installs a fence, she wants to make sure the area between her fence and the applicant's fence is maintained.

MR. RIBIERO: He identified the fence area.

MR. BEDNAREK: Your fence is 6 feet onto your property. More than it has to be.

MR. RIBIERO: Yes.

MR. TRAMPE: If the carport is approved, will the Applicant need to have it inspected?

MR. BEDNAREK: He will need to comply with the building codes in Cinnaminson.

A MOTION IS MADE BY MR. HARE SECONDED BY Mrs. Galosi to approve a carport with a side yard setback of 3.7 feet where 8 foot is required. All finishing work needs to be continued. The aluminum soffit and gutters on front of the carport that work be finished. The down spout points in the driveway and not into the neighbor's property. The rear downspout stays on the applicant's property. All standard conditions would apply including getting the final carport inspected by the Building Department. ROLL CALL VOTE: AYE, Mr. Devlin, Mr. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed motion passes

MR. BEDNAREK: Case #21-5-4 – John and Colleen Semola – Bulk Variance – 2510 Church Road, Block 3309, Lot 1.

MR. STROBEL: He swears in John and Colleen Semola.

MR. BEDNAREK: You have a 12' x 18' above ground pool that is 4 feet from the property line instead of 10 feet.

MR. SEMOLA: Yes.

MRS. SEMOLA: During the summer of the Pandemic we put in a 12' x 18' pool. She thought the 4 foot from their vinyl fence was sufficient when a 10 foot was required. We have a lot of yard in the front yard. We are in the process of selling our house so we are trying to take care of this.

MR. BEDNAREK: The pool exists currently.

MRS. SEMOLA: Yes.

MR. BEDNAREK: Is there anything on your property or your neighbor's property that would enable someone to climb the fence? Are there any decks that run up to the fence?

MR. SEMOLA: No. There is a 36 -inch gate that opens to the out and has a lock on it. It is a 6-foot white vinyl fence.

Exhibit A-1 Survey Plan

MRS. SEMOLA: She referred to the oval pool drawn on the survey.

MR. SEMOLA: In front of the pool going towards Church Road, there is a 36-inch gate that opens outward.

MR. BEDNAREK: If this was approved tonight, you would still need to get all permits and inspections.

MR. AND MRS. SEMOLA: Correct.

Exhibit A-2 – Photograph showing the property line of fence and the pool.

MR. SEMOLA: He referred to the Arborvitaes in front of the fence. You can't climb the fence. There is nothing in front (inaudible) climb or on the side in the neighbor's yard either.

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. O'DONNELL: If the new owner wanted to put in an in ground pool or some type of other structure would the 4 foot still apply?

The Board decided to word the motion as above ground pool only.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the 4-foot setback where 10 foot is required for the existing above ground pool. The pool is above ground only. It is for a 12' x 18' pool only. Standard conditions which includes permits and inspections. The pool is 52 inches deep. The pool can be replaced, but it has to be the exact like and kind. ROLL CALL VOTE: AYE, Mr. Devlin, Mr. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed motion passes.

MR. BEDNAREK: Case #21-5-5 – Tyeisha Robinson – Bulk Variance – 614 Parry Boulevard, Block 3003, Lot 8.

MR. STROBEL: He swears in Tyeisha Robinson and Yuann Robinson.

MR. BEDNAREK: You are here for a fence with a front yard setback of 5 feet where 20 feet is required. You do live on a corner property.

MR. ROBINSON: They would like to have this variance relief for privacy.

MR. ROBINSON: He described the Exhibits.

Exhibit A-1 – Survey Plan

MR. ROBINSON: They want room in back yard.

MR. BEDNAREK: Are you going to put a fence all the way around your property?

MR. ROBINSON: It will be L shaped.

MR. BEDNAREK: Are going to go across the whole back of your property as well.

MR. ROBINSON: Yes. The fence will be a 6-foot vinyl privacy style fence.

MR. ROBINSON: He described the Exhibits. He referred to the photographs and identified where he wants to install the fence.

Exhibit A-2 – Photograph of Applicant's Property

Exhibit A-3 – Photograph of Applicant's Property

Exhibit A-4 – Photograph of Applicant's Property

The Board discussed the fence having an 8-foot setback instead of the requested 5-foot setback.

MR. BEDNAREK: He asked Mr. Robinson if he was agreeable to an 8-foot setback where 20 feet is required.

MR. ROBINSON: Yes.

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 a 6-foot high privacy fence on the Stag Turn Drive of the house 8 foot from the property line where 20 foot is required. Standard conditions. ROLL CALL VOTE: AYE, Mr. Devlin, Mr. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed motion passes.

**RESOLUTIONS:**

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Hare to approve the Resolution for Case #21-4-1 - Alfred and Michelle Corona – 605 Pomona Road, Block 3308, Lot 27 – Conditionally granting bulk variance to construct in-ground swimming pool leaving five (5) foot

side yard setback where ten (10) foot is minimum required. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. O'Donnell, Ms. Woodman, Mr. Bednarek, Abstained, Mr. Trampe, no opposed, motion passes.

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

A MOTION IS MADE BY MRS. GALOSI seconded by Ms. Woodman to approve the Regular Meeting Minutes of April 7, 2021. VOICE VOTE: ALL AYE, Abstain, Mr. Trampe, 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. GALOSI seconded by Ms. Woodman to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

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Patricia Rucci