

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
October 6, 2021**

Zoom Meeting ID: 923 868 6246

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.

The Regular Zoom Meeting of the Zoning Board being held October 6, 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. Sell, 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 #21-9-2 – Mustafa Ayaz – Bulk Variance – 105 Whitebirch Drive, Block 3102, Lot 27. This Application is rescheduled to the Zoning Board Zoom Meeting on Wednesday, November 3, 2021 at 6:30 p.m.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Devlin to approve Case #21-9-2 – Mustafa Ayaz – Bulk Variance – 105 Whitebirch Drive, Block 3102, Lot 27 to be rescheduled to the Zoning Board Zoom Meeting on Wednesday, November 3, 2021 at 6:30 p.m. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #21-9-1 – Israel Rodriguez – Bulk Variance – 824 Pear Avenue, Block 605, Lot 7.03.

MR. STROBEL: Since Mr. Rodriguez appeared before the Zoning Board in September 1, 2021 and his application for the Zoning Board Meeting tonight was a continuation from the September 1, 2021 meeting, he didn't need to be sworn in. He reminded the Applicant that he remains under Oath. The Zoning Officer and I concur that the noticing was done properly it included all elements that were being sought. The Board can clean up the last item on the Applicant's request relating to the bulk variance relating to the deck.

MR. HARE: He recused himself from this application since he didn't attend the September 1, 2021 Zoning Board Meeting.

MR. BEDNAREK: We already addressed the setbacks on the pool. The one remaining issue is the deck.

MR. STROBEL: Yes.

MRS. RUCCI: The application is the same. She advised that there is a revised denial and revised survey showing the deck portion.

MR. STROBEL: The notice was for the pool and deck. The Board decided the pool portion. There was testimony regarding the deck. The Applicant brought it to the Board's attention that there was this remaining item. The Board did permit the pool with a front yard setback and a rear setback as well.

MR. SELL: The minutes say 8 feet in the back and 8 feet in the front.

MR. RODRIGUEZ: The 8 and 8 is fine. He wanted to measure the deck up with the pool coming out of his living room. There are some pictures from the last meeting.

The following Exhibits were presented and explained by Israel Rodriguez.

Exhibit A-1 –Survey Plan

MR. BEDNAREK: It looks like you want to have a deck both in the side yard and rear yard.

MR. RODRIGUEZ: Yes. More towards the rear to go from the back of the house to the pool.

MR. BEDNAREK: Why do you want to continue the deck up the side of the house?

MR. RODRIGUEZ: I guess for the design. So I could match it up with the pool and I could put the rails up for the pool. The plans changed from last month because of the 8 foot setback.

MR. BEDNAREK: He wanted to know where the steps would go.

MR. RODRIGUEZ: He identified where he may put the steps. He referred to the 15.43' noted on the survey plan. The deck would come out 7 feet from the corner. He identified the area on the plan.

MR. BEDNAREK: He sees a portion of the deck on the side of the house.

MR. RODRIGUEZ: He identified where he wants to put the deck.

MR. BEDNAREK: The deck would be at toward the back of the house and starting at the very back corner of the house

MR. RODRIGUEZ: That is correct

MR. BEDNAREK: There is no deck along the side of the house.

MR. RODRIGUEZ: No. He identified the area where he wants to install steps.

MR. BEDNAREK: He referred to the area marked 15.43'. You would like to have steps that go towards the front of the house attached to that portion.

MR. RODRIGUEZ: Yes. He identified where he wants the deck.

MR. BEDNAREK: The deck would be 23 feet long.

MR. RODRIGUEZ: Yes. I will probably make it smaller, but right now yes.

MR. BEDNAREK: He summarized what was discussed with the Applicant. Keep the deck setback in the same plane as the pool. The deck would start 8 feet in from the property line. The deck would be a total length of 23 feet with the starting point 8 feet in from the property line across the back of the house.

MR. RODRIGUEZ: Yes.

MR. BEDNAREK: How high will the deck be off the ground?

MR. RODRIGUEZ: It is going to be the same as the patio. The same as it is now. 32 or 33 inches.

MR. BEDNAREK: He referred to the small stairs deck that the applicant has now on the back of the house now. Is that what the height of the deck will be?

MR. RODRIGUEZ: That is correct.

MR. BEDNAREK: You wish to put a set of stairs on the deck that go down to the side yard. He identified the area on the plan.

RODRIGUEZ: Yes.

MR. RODRIGUEZ: The materials will be pressure treated or composite decking. The railings will be metal or PVC. The small stairs will be removed.

MR. BEDNAREK: I would prefer a metal or PVC railing. He asked about the small stairs and deck that are currently there.

MR. RODRIGUEZ: They will be removed.

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 Mr. O'Donnell to grant the variance for an 8 foot setback where 15 is required. The deck can't extend past the back wall of the home. It can't extend forward along Hunter Street past the back wall of the house with the exception of steps that lead up to the deck. The rails will be PVC or metal rails. The deck material will be composite deck, pressure metal. The edge of deck is in alignment with the edge pool on the Hunter Street side. Standard conditions. ROLL CALL VOTE: AYE. Mrs. Galosi, Mr. Sell, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, Abstain, Mr. Hare, NAY, Mr. Devlin, motion passes.

MR. BEDNAREK: Case #21-10-1 – Sam Thevanayagam – Bulk Variance - 2322 Riverton Road – Block 2404, Lot 27.01.

MR. BEDNAREK: He recused himself from this Application. Mr. Hare will be the Chairman for this Application.

MR. STROBEL: He swears in Sam Thevanayagam.

MR. HARE: It is my understanding that you want to install a solar field in what is considered a front yard. What would you like to do?

MR. THEVANAYAGAM: His home is 150 years old. His roof is slate. He wants to put solar panel in the back of his house. The way the solar panels will be it will be in the back of our house. Because of the way the lot is it is being called the front of the house.

The following Exhibits were presented and explained by the Applicant.

Exhibit A-1 – Subdivision Plan

MR. THEVANAYAGAM: The yellow area shows the area where he wants to install the solar panels.

MR. HARE: Where will the solar panels face away from the Chatham Drive homes?

MR. THEVANAYAGAM: It is facing away from it. The solar panel will actually be facing our front entrance rather than facing anyone else. If the neighbors see anything, it would be the side of the panel not the front of the panel.

MR. HARE: The houses on Chatham Drive would see the back of the panel.

MR. THEVANAYAGAM: That is correct. They won't be able to see anything because they have fencing and there are a lot of trees in that area. The back of the solar panels have a lot of trees there that we are not planning on taking out.

MR. HARE: He asked how many panels will there be.

MR. THEVANAYAGAM: It is about 20 feet of panel. He doesn't believe setback variances are required. The structure is 8 feet high from the ground to the top.

Exhibit A-2 – Subdivision Plan

Exhibit A-3 – Photograph showing where solar panels will be installed. The bushes will be cut down to compensate for solar panels.

Exhibit A-4 – Photograph showing where solar panels will be installed. Some small trees that will be cut in order to make space.

Exhibit A-5 – Photograph showing side view of where solar panels will be. The photograph shows the swimming pool and deck.

Exhibit A-6 – Photograph showing the Carriage House. The Carriage House is another building on the property.

Exhibit A-7 – Photograph of the garage. The garage is another building on the property.

Exhibit A-8 – Photograph that shows his property. No bearing to where the solar panels will be.

Exhibit A-9 – Photograph that shows his property. No bearing to where the solar panels will be.

Exhibit A-10 – Photograph showing English Garden to the right.

Exhibit A-2 – Subdivision Plan

MR. THEVANAYAGAM: The area we are planning to install the solar panel is dead space. It is not intrusive to the neighbors at all.

MR. STROBEL: He swears in Mrs. Danilynn Thevanayagam.

MR. HARE: He asked if there were any trees (other than the arborvitaes) or limbs of trees that might have to be cut back.

MR. THEVANAYAGAM: A few trees will be removed. No trees or limbs from the neighbors.

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

MR. JERRY SOLOMON: He identified the location of his property. Where does the power come from and is it above ground?

MR. THEVANAYAGAM: It is his understanding we have a power source already in our property. It is going to connect the power source right on our property. It will not go out to Riverton Road. We have power source back there. The dimensions are 72 feet long, 21(inaudible) and 8 feet high.

MR. SOLOMON: He objects to the height and size of the panel.

MR. THEVANAYAGAM: None of the trees facing your property or your neighbor's property will not be removed. The only trees that will be removed are in the front of the property. All the privacy you are enjoying, you will continue to enjoy. 1,268 feet towards your property.

MR. SOLOMON: He objects.

MR. DEVLIN: Is it a benefit to the Community?

MR. JACK BEDNAREK: He made a public comment as a member from the public not a Zoning Board Member.

MR. STROBEL: He swore in Mr. Bednarek.

MR. BEDNAREK: He asked Mr. Strobel if the State of New Jersey provided guidance on these type of things. It would restrict any Boards latitude on what can and can't be done.

MR. STROBEL: I am aware from a use variance standpoint that these uses are deemed beneficial. What we are doing here is a bulk variance. One of the relevant factors is when someone is seeking bulk variance relief, they do have to show community benefit.

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

MR. SELL: Would you agree that a community benefit of you having solar panels would be the building you are erecting is generating renewable energy? Collecting renewable energy would be a benefit to your community rather than burning fossil fuels?

MR. THEVANAYAGAM: Absolutely.

Exhibit A-2 – Subdivision Plan

MR. HARE: He asked the Applicant to identify the Carriage House and Garage.

MR. THEVANAYAGAM: He identified the Carriage House and Garage on the plans.

MR. SELL: He asked for the dimensions. I know it is 8 feet high. What is the length and width?

MR. THEVANAYAGAM: The length is 72 feet, 21 feet (inaudible).

MR. HARE: How much from a width prospective are the arrays going to take of the open space from the left and right?

MR. THEVANAYAGAM: I think about a minimum of 10 feet on both sides of it.

A MOTION IS MADE BY MS. WOODMAN seconded by Mrs. Galosi to approve the solar array an accessory structure within the front yard setback. Standard Conditions apply. The dimensions are not to exceed 72 feet x 21 feet x 8 feet high. No trees or limbs removed from neighbor's yard. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. O'Donnell, Ms. Woodman, Abstain Mr. Bednarek, motion passes.

MR. BEDNAREK: Case #21-10-2 – James and Danielle Nocito – Bulk Variance – 304 Cambridge Drive – Block 3410, Lot 3.

MR. STROBEL: He swears in Mr. Nocito.

MR. NOCITO: He wants to construct a front porch roof in front of his property. The porch roof is 24 feet long x 8 feet deep. The requirement is a 40 foot setback. The size of the structure it will be 36 feet.

MR. BEDNAREK: You are looking for 4 feet of relief.

MR. NOCITO: That is correct.

The following Exhibits were presented and explained by the Applicant:

Exhibit A-1 – Survey Plan

MR. NOCITO: This is a final part of a renovation done to my home. The previous front door had rotting. He wants to protect his front door. It adds protection to our house, it takes away potential rotting and adds value to home.

MR. NOCITO: He identified where he will install the front porch roof. Mr. Nocito Explained the Exhibits to the Board.

Exhibit A-2 – Photograph of the front of the house.

MR. NOCITO: The existing roof is being done at the same time. The posts are made out of pressure treated wood.

Exhibit A-3 – Photograph of front of house.

Exhibit A-4 – Sketch of roof.

Exhibit A-5 – Sketch showing joist detail.

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 36 feet where 40 feet is required. The shingles will match the shingles on the roof. Wooden frame structure with stone details at the foot of the columns. It will match the work being done. Standard conditions. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. O'Donnell, Ms. Woodman, Abstain Mr. Bednarek, motion passes.

A MOTION IS MADE BY MR. SELL seconded by Mrs. Galosi to approve the voucher for Pennoni Associates noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MR. DEVLIN seconded by Mr. Sell to approve the Regular Meeting Minutes from September 1, 2021. VOICE VOTE: ALL AYE, no opposed, motion passes.

MR. BEDNAREK: The Zoning Board Meetings will be held by Zoom for the rest of 2021.

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. GALOSI seconded by Mr. Sell to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

Patricia Rucci