

**CINNAMINSON TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
September 1, 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 September 1, 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, October 6, 2021 at 6:30 p.m.

MR. BEDNAREK: The remaining Zoning Board Meetings for 2021 will be held by Zoom.

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

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

MR. STROBEL: He swore in Israel and Gladys Rodriguez.

MRS. RODRIGUEZ: She read a letter they wrote regarding the reason they are requesting the variance approval.

MR. RODRIGUEZ: His side yard is considered the front yard. The back yard is still the back yard. He referred to the variance approval he received to move the fence out 15 feet. He wants to add a deck a maybe an above ground pool. There is no pool there now.

The following Exhibits were presented to the Zoning Board:

Exhibit A-1 – Survey Plan showing the proposed location of the pool.

MR. RODRIGUEZ: He is trying to use his space as much as possible. In the future, he was hoping to get a shed in the left hand corner of the yard. The other variance that has to do with this is putting a deck from the patio doors from the house to the above ground pool. The pool is 17 feet by 12 feet, rectangular in shape and is 54 inches high. We would come outside from the home to the pool and building a deck to walk across.

MR. BEDNAREK: He expressed concern about the pool being too close to the fence.

Exhibit A-2 – Photograph showing the Fence back 15 feet.

Exhibit A-3 – Photograph showing left side of back yard. He is hoping to put a shed in that area. He didn't think it was a good idea to put a pool there.

Exhibit A-4 - Photograph showing the property line.

Exhibit A-5 - Photograph showing the patio doors. The photograph shows the fence and the side and back yard combined. That is where we are hoping to have the deck come out to the pool so it can be just one project all together.

MR. BEDNAREK: Are there any easements or utilities in the back yard?

MR. RODRIGUEZ: Most of the utilities are on the front or right side of the house. The clean out pipe runs towards the front of the house. That is 3 feet deep PVC pipe.

Exhibit A-6 - Photograph showing the property line.

Exhibit A-7 - Photograph showing both sides of back yard.

MR. RODRIGUEZ: He needs to check what size shed would fit. He wants to get a 10 x 12 or 10 x10 shed.

MRS. GALOSI: How big is the pool?

MR. RODRIGUEZ: 12' x 17' x 54".

MR. BEDNAREK: What type of construction?

MR. RODRIGUEZ: I believe it is either aluminum or resin plastic. The pool would be above ground. The pool would sit flat.

The Board discussed the setback.

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

MS. LAURA CLEMENS SCARETT: She is here of behalf of her Mother. She wanted to make sure no runoff would run into her yard. She has no problem with the pool. She wants to make sure that no water will run into her yard, if the Applicant has to empty the pool.

MR. BEDNAREK: He believes that when you empty a pool, it has to be emptied to the street.

MS. LAURA CLEMENS SCARETT: Our street floods when it rains. If he empties the pool, she wants to make sure the water doesn't affect anyone else in the area.

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

MR. BEDNARK: He thought 5 feet was very close. You have to drain the pool out to the curb. He advised Mr. Rodriguez that if a variance is granted for the pool, you would have to drain the pool out to the curb. It can't be left to drain on the property.

MR. RODRIGUEZ: He will guarantee that everything will be done correctly. He will follow whatever it is to keep the area clean and keep the water away from the neighbors.

MR. BEDNAREK: If a variance is granted for the pool, I want to make sure that the filter assembly is not in the area where the setback is granted. He wants to keep it away from the edge of the fence. I don't want the filter on the outside perimeter.

The Board discussed the setback.

MR. O'DONNELL: How is the pool accessed?

MR. RODRIGUEZ: He was hoping to install a deck and have the deck with rails and a locked gate so the pool is not easily accessible.

A MOTION IS MADE BY MR. SELL seconded by Mrs. Galosi to grant an 8 foot setback off the front which is Hunter Street where 15 feet is required and from the rear 8 feet where 10 feet is required. The filter needs to be placed within the normal 10 and 15 foot setbacks. ROLL CALL VOTE, AYE, Mr. Sell, Mr. Trampe, Mr. O'Donnell, Mr. Bednarek, NAY, Mr. Devlin, Mrs. Galosi and Ms. Woodman, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. O'Donnell to approve the Resolution for Case #21 Case #21-7-1 – Emine Yalcin – 2597 Branch Pike, Block 3210, Lot 1.14 – Conditionally granting bulk variance to construct fence leaving zero (0) foot front yard setback where fifty (50) feet is minimum required. VOICE VOTE: ALL AYE, Abstain, Mr. Sell, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Devlin to approve the Resolution for Case #21-8-1 – Nathan R. Boyd – 2310 Laurel Drive, Block 2404, Lot 17 – Conditionally granting bulk variance to construct fence leaving six (6) foot front yard setback where thirty (30) feet is minimum required. VOICE VOTE: ALL AYE, Abstain, Mr. Trampe, no opposed, motion passes.

A MOTION IS MADE BY MS. WOODMAN, seconded by Mrs. Galosi to approve the Resolution for Case #21-8-2 – Barton and Katherine Spencer – 17 Purnell Avenue, Block 1503, Lot 9 – Conditionally granting bulk variance to construct fence leaving ten (10) foot front yard setback where forty (40) feet is minimum required. VOICE VOTE: ALL AYE, Abstain, Mr. Trampe, no opposed, motion passes.

A MOTION IS MADE BY MS. WOODMAN seconded by Mrs. Galosi 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 vouchers for Pennoni noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Ms. Devlin to approve the Regular Meeting Minutes for July 7, 2021 VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded Mr. O'Donnell to approve the Regular Meeting minutes for August 4, 2021. VOICE VOTE: ALL AYE, Abstain, Mr. Trampe, no opposed, motion passes.

MRS. RODRIGUEZ: She advised that when they submitted the paperwork for the variance, it was for the pool and a deck. She asked if the paperwork for the deck variance was reviewed and approved.

The Zoning Board didn't have the paperwork for the deck.

MR. STROBEL: The public notice did reference a deck for a five feet front yard setback where 15 feet is required for the long side of a corner lot.

The Zoning Board took a short recess.

MR. BEDNAREK: There is a deck variance. The notice referenced a deck. Mr. Rodriguez spoke about a deck.

MR. RODRIGUEZ: He believes there was a plan showing the pool and the deck.

MR. STROBEL: The Zoning Board addressed 2 out of 3 things in the notice. There is 1 issue left. He recommended that the Zoning Board adjourn the consideration of the deck to the Zoning Board meeting on October 6, 2021 at 6:30 PM. The Applicant will not need to submit additional fees. He will make the final call about re-noticing.

A MOTION IS MADE BY MR. SELL seconded by Mr. O'Donnell to schedule the deck portion of Case #21-9-1 – Israel Rodriguez – Bulk Variances – 824 Pear Avenue, Block 605, Lot 7.03. to the Zoning Board Zoom Meeting on October 6, 2021. The Zoning Board Solicitor will decide if re-noticing is required. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Sell, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, 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 MS. WOODMAN seconded by Mr. Devlin 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