

**MINUTES OF THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PENNSAUKEN**

A public meeting of the Zoning Board of Adjustment of the Township of Pennsauken, in the County of Camden, in the State of New Jersey was held on the above date via Zoom Video Communications. Chairwoman Butler called the meeting to order at 7:00 P.M. and led the flag salute. Roll call disclosed the following members present: Lou Morales, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari, Patrick Olivo and Duke Martz. Acting Solicitor Steve Boraske, Esq., Zoning Coordinator, Gene Padalino and Secretary Nancy Ellis were also on the video call.

The Chairwoman announced that the meeting was being held in accordance with the Open Public Meetings Act, notice has been sent to two local newspapers, and also posted on the Bulletin Board in the Municipal Building.

Patrick Olivo assumed the seat of absent member Paul Hoyle.

**HEARINGS:**

**ALCEDO ESPINAL**-Seeking approval to build a 24' x 30' detached garage which will be 14' in height. This will exceed the maximum accessory structure size of 400 square feet as per Township ordinance number 141-78(B). and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 8329 River Road, Block 1605, Lot 4 in Zoning District R-3.

Mr. Alcedo Espinal, 6614 Woodland Avenue and his son to translate, Mr. Roman Espinal, 3291 Rose Street, Camden NJ came forward to testify and both were duly sworn by the Solicitor.

Mr. Espinal testified that he would like to build a detached garage at the rear of his home.

Upon query, Mrs. Butler was informed by the applicant that they will build the garage. However, he will hire a cement company for the floor of the garage and an electrician to install the electric in the garage for lights, a fan and power garage doors. Mrs. Butler was further informed by the applicant that the garage will match the existing house with the same siding and an "A" framed roof. They will not be installing water service in the garage.

Upon query, Mrs. Longo was informed by the applicant that the roof of the garage will be "A" framed to match the existing house and they will install gutters and downspouts.

Upon query, Miss Hannah was informed by the applicant that the garage is to store their vehicles and lawn equipment.

Upon query, the Solicitor informed Miss Hannah that the R-2 Zone permits 16 feet building height. Therefore, the applicant meets the height requirements for the zone.

Duke Martz joined the meeting at 7:15 PM.

Upon query, Miss Piccari was informed by the applicant that the garage will be approximately 15 to 20 feet away from their house and it will be for residential use only.

Upon query, Miss Hannah was informed by the applicant that the garage will be constructed out of wood with vinyl siding.

Upon query, Mr. Morales was informed by the applicant that the garage will be constructed close to an existing black top on their property and far from three pine trees towards the front of their property.

Upon query, Mr. Martz was informed by the applicant that the garage will be built further back away from the existing trees and fence. The fence will not be removed, it has a 16-foot-wide gate to drive their vehicles through. Mr. Martz was further informed by the applicant that an existing storage building in their rear yard to will not be removed.

The meeting was open to the public. There being no one who wished to speak, the meeting was closed to the public.

The Solicitor made the following factual findings: This is an application for a bulk variance to permit an accessory structure, detached garage that will be 24' x 30' and 14' in height. The square footage of the accessory structure permitted in the R-3 Zone is 400 square feet and the applicant proposes an accessory structure of 720 square feet. The applicant, Alcedo Espinal is the owner of the property located at 8329 River Road, Block 1605, Lot 4 in the R-3 Zoning District. The board can grant a C-1 hardship variance or a C-2 bulk variance as provided by the municipal land use law. To approve the proposed detached garage and to approve the application, as the board knows a C-1 hardship variance can be granted when the board finds that due to existing improvements, unique conditions, lot shape or other features of the property that it would be hard to comply with our code requirements. The variance to alleviate that hardship is justified by the evidence and testimony of the applicant. The board can also grant a C-2 variance, a substantial benefit variance which can be granted by the board when an application advances the purposes and intent of the municipal land use law and those purposes would be advanced by deviation from our code requirements. With a substantial benefit variance,

the board has to look at both the positive criteria, the special reasons and the benefits of the application which must outweigh the negative criteria which there is a question of whether the application will adversely impact the public good or substantially impairs the intent and purposes of our zone plan. The applicant testified that the proposed use of the detached garage is generally for residential storage of the applicant's personal vehicles. The detached garage will match the principal structure in appearance with the roof design and the siding and it will feature appropriate rainwater improvements and management. The board could possibly consider the application will advance the general welfare for the township and its' citizens and improving the overall visual appearance and esthetics of the subject property. However, the board should look at the negative criteria and whether there is any negative impact on the applicant's neighbors and whether or not the structure and the relief required is so extreme that it could be said to impair the intent and purpose of our zone plan and zoning law.

Mrs. Longo motioned to accept the fact finding. Miss Piccari seconded.

Miss Piccari motioned to grant the application for the storage of the applicant's vehicles and equipment with the condition the garage is used for residential purposes only. Miss Longo seconded. Roll call: Lou Morales, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari and Patrick Olivo-Aye. Duke Martz-Abstain. None Opposed.

**ADRIAN DELEON**-Seeking 25 feet of relief from the rear yard setback requirement of 35 feet in an R-2 to permit the installation of an as-built 16' x 23' rear roof attached to the house which is over an existing patio and any other variances or waivers that may be required by the Pennsauken Zoning Board. Premises located at 7709 Greenbriar Road, Block 2401 Lot 1 in Zoning District R-2.

Mr. Adrian Deleon, 7709 Greenbriar Road came forward to testify and was duly sworn by the Solicitor.

Mr. Deleon testified that he built a roof over an existing concrete patio in the rear of his home.

Upon query, Mr. Deleon informed Mrs. Butler that he didn't know he needed a permit to build the overhang over the existing concrete slab. The municipal building was closed due to the pandemic when he built the structure.

Upon query, Miss Hannah was informed by the applicant that he waited to get permits to finish building the structure. He further informed Miss Hannah that the roof is to sit under and he will not be installing additional electric service for the structure.

Upon query, Mr. Olivo was informed by the applicant that the roof is for him and his family to sit under and enjoy. Mr. Deleon further informed Mr. Olivo that his cousin is a licensed contractor and he will help him install railings around the covered patio if required by the construction office.

Upon query, Mr. Martz was informed by the applicant that he will install gutters and downspouts on the structure and he also intends to get a permit to level a severe slope in his yard and install a retaining wall.

Upon query, Miss Piccari was informed by the applicant that he has already applied for a permit and he will not be enclosing the structure. He wants an open porch.

Upon query, Mrs. Longo was informed by the applicant that he will not be grilling under the porch. His grill is located in an open area behind the porch.

Upon query, Miss Piccari was informed by the applicant that the porch is ground level. However, he may need to add railings because of the steep slope in his yard.

Upon query, Mr. Morales was informed by the applicant that he will not be adding electrical service to the porch. He has existing electric and outlets on the rear of his house. He may install a ceiling fan under the structure at a later date. Mr. Deleon further informed Mr. Morales that he will be getting a permit to install a fence 20 feet back from the front of his house and in the rear as well. He will also be removing a pile of debris that is currently in his yard.

The meeting was open to the public. There being no one who wished to speak, the meeting was closed to the public.

The Solicitor made the following factual findings: This is an application for bulk variance relief. The applicant Mr. Adrian Deleon is seeking 25 feet of relief from the rear yard setback requirement of 35 feet in the R-2 Zone to permit an existing 16' x 23' rear roof attached to the principal residential structure, his home at the subject property which is located at 7709 Greenbriar Road, Block 2401 Lot 1 in the R-2 Zoning District. The board may grant or approve the application as either a C-1 hardship variance or a C-2 substantial benefit variance. There was testimony regarding the benefits of the existing roof structure. The board can't consider the fact that the roof is either completely or partially constructed as a hardship because the applicant can't create their own hardship. However, the board may consider other factors that could make it a hardship such as the existing conditions or the shape of the lot or other improvements on the property that are in compliance with our code or if the rear yard setback requirement is basically impossible or the board could consider whether the application, the improvement advances the various purposes of the land use law, such as promotion of the

general welfare and improving the visual appearance of the property or making efficient use of available land, air and open space at the property and in the township. With a substantial benefit variance, the board has to consider whether there is any negative criteria and any negative impact of the application on the neighbors or whether there is any substantial impairment to the intent and purpose of our zoning plan and our township zoning code.

Miss Hannah motioned to accept the fact finding. Miss Piccari seconded.

Mr. Martz motioned to grant the application with the condition the applicant installs gutters and downspouts on the roof. Mr. Martz stated the overhang matches the house and it looks nice. Mr. Martz further stated that the construction office will have to inspect it to make sure it's built to code and as to whether the structure will need railings or not. Miss Hannah seconded. Roll call: Lou Morales, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari, Patrick Olivo and Duke Martz-Aye. None Opposed.

**CORRESPONDENCE:**

Mr. Padalino informed the board that the Zoning Board Reorganization will take place on January 6, 2020 at 7:00 PM.

Upon query, Mr. Padalino was informed by Mrs. Longo that she has completed her required stormwater course.

**MINUTES:**

None

**RESOLUTIONS:**

**RESOLUTION #Z-2020-30** granting **ANTHONY CLARK, ACJC PROPERTY MANAGEMENT, LLC** a use variance to permit the parking/storage of trucks and containers on a vacant lot in the R-3 zone where it is not a permitted. Premises located at Derosse Avenue (vacant lot) Block 1005, Lot 3 in Zoning District R-3.

**RESOLUTION #Z-2020-31** granting **REGINO & MARGANTA BRITO** - Seeking 12 feet of relief from the rear yard setback requirement of 30 feet to permit the installation of a 16.4' x 18.7' rear roof attached to the house over an existing patio and any other variances or waivers that may be required by the Pennsauken Zoning Board. Premises located at 6614 Woodland Avenue, Block 5828, Lot 8 in Zoning District R-3.

**RESOLUTION #Z-2020-32** granting **PHILLIP 5115 LLC** preliminary and final major site plan approval for the proposed parking lot improvements together with the following variances for maximum impervious coverage in the C-2 zone, maximum building coverage in R-2 zone and multitenant freestanding sign-one ground sign for four or more retail establishments. The applicant also seeks any other variances, waivers and approvals that may be required by the Pennsauken Zoning Board. Premises located at 5115 Route 38 West, Block 600, Lot 55 in the C-2 and R-2 Zoning Districts.

**BILLS:**

None

**COORDINATOR'S REPORT:**

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:00 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary