

**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: Paul Hoyle, Lou Morales, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari, Collette Jones, Patrick Olivo and Duke Martz. Acting Solicitor Steve Boraske, Esq., Zoning Board Engineer, Douglas White, Planning and 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.

**HEARINGS:**

**YAJAIRA RAMOS**-Seeking 20 feet of relief from the front yard fence setback requirement of 20 feet for a 6' vinyl fence and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 1619 41<sup>st</sup> Street, Block 902, Lot 3 in Zoning District R-3.

Yajaira Ramos, 1619 41<sup>st</sup> Street came forward to testify and was duly sworn by the Solicitor.

Ms. Ramos testified that she would like to install a 6 foot, white vinyl fence up to the front corner of her house to enclose her rear and side yard for the safety of her children and the security of her property.

Upon query, Mrs. Longo was informed by the applicant that she will have a double gate installed on one side of the fence to park her car in the driveway behind the fence and a single gate will be installed on the other side.

Upon query, Miss Hannah was informed by the applicant that she would prefer a 6 foot fence rather than a 4 foot fence to keep her children safe in the rear yard. The applicant further stated that her neighbors have 6 foot fences.

Upon query, Miss Piccari was informed by Ms. Ramos that she will install her fence in the rear yard 3 inches away from her neighbor's existing chain link fence.

Upon query, Mrs. Butler was informed by the applicant that she will have locks installed on the gates.

Upon query, the applicant informed Mr. Morales that she will have the fence installed up to an existing concrete pad on the right side of her house and up the sides to each corner of her house.

Upon query, the applicant informed Mr. Martz that the fence will be aligned with her neighbor's fence to keep it uniform.

Upon query, Mr. Hoyle was informed by the applicant that she will put her car in the driveway behind the fence when the kids aren't playing in the 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 is Yajaira Ramos and the owner of the subject property located at 1619 41<sup>st</sup> Street, Block 902, Lot 3 in the R-3 Zoning District. The applicant seeks 20 feet of relief from the front yard setback requirement of 20 feet for a 6 foot vinyl fence. The applicant is proposing to construct the fence even with the front building line of her property. Our township code requires that all fences be setback at least 20 feet behind the front building line of the principal residential structure of the property. The applicant needs 20 feet of relief to move the front yard fence up essentially from 20 feet behind the front building line. The board can grant the application as either a C1 or C2 substantial benefit variance. There wasn't any testimony from the applicant that there wasn't any hardship that supported her variance request. This would be a hardship created by existing conditions on the property. However, a C2 substantial benefit variance can be granted by the board when the purposes of the land use law can be advanced by a deviation from the code requirements. Typically, in these situations we look at the first purpose of the land use law, which is promotion of the general welfare, security and safety. Not just for the applicant, but the benefit has to extend to the township and to the community as well. There was some testimony that the benefits particularly for security. The applicant testified she is aware of some vandalism reports in her area and she also testified that she

has young children. Another purpose the board may consider is the improvement of the overall visual and appearance of the subject property. The applicant is proposing a 6 foot, white vinyl fence that based on the applicant's representation will be a nice looking fence which will be put up by one of two fence companies. The applicant testified that the proposed fence will look similar to other fences in the area.

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

Miss Piccari motioned to grant the variance. She stated that she believes the applicant needs the fence for her the safety of her children as well as to secure her property. Mr. Morales seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari and Duke Martz-Aye. None Opposed.

**WILKINS GARCIA**-Seeking a use variance for 13 parking spaces on vacant land in connection with an existing non-conforming restaurant use and also seeking approval for outdoor tables and chairs in the P-1 zone where it is not a permitted use. And any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 5010 Westfield Avenue, Block 4706, Lot 3 in Zoning District P-1.

Mr. Wilkins Garcia, Property Owner located at 5010 Westfield Avenue who resides at 1586 Tinsman Avenue, in Pennsauken, Don Vid Aldo, Professional Engineer, 344 Camelot Court, Cinnaminson, NJ and Douglas White, Zoning Board Engineer, T&M Associates, 200 Century Parkway, Mt. Laurel NJ were duly sworn by the Solicitor.

Mr. Garcia testified that he purchased the vacant land adjacent to his restaurant from Pennsauken Township in 2018 and he wishes to use the property for an additional 13 parking spaces for his restaurant. He further stated that he has had complaints from his neighbors that his customers have been using their parking spaces. He believes that the additional parking for his customers will resolve the issue.

Upon query, Mrs. Butler was informed by the applicant that he is also seeking a variance to have two tables outside in front of his restaurant. Mr. Garcia further informed Mrs. Butler that the hours of operation are from 9 AM until 9 PM Tuesday through Sunday and they are closed on Monday. He further stated that before the Covid-19 pandemic, the hours of operations were from 8 AM until 10 PM Tuesday through Sunday and they are closed on Monday. The applicant further informed Mrs. Butler that there are 4 employees who work at the restaurant, including himself.

Upon query, Mr. Martz was informed by the applicant that some of his customers use the public parking lot across the street from his restaurant, his restaurant is busy, especially with deliveries and he needs to provide more parking spaces for his customers. He also needs space on his lot for the trash dumpsters as well as for customer parking. Mr. Martz was further informed by the applicant that he will include lighting on the lot and he will consider the egress from the lot to address and resolve any traffic issues.

Upon query, the applicant informed Miss Piccari that his plan is to enclose the dumpsters on the lot and he will install a fence between the lot and the neighboring property. Mr. Garcia further informed Miss Piccari that he has 6 tables inside his restaurant. However, he can't use them because of the pandemic. Therefore, his restaurant is only open for pickup and deliveries at this time. Miss Piccari commented she would like to see the property clean and maintained.

Upon query, Mrs. Butler was informed by the applicant that he has 4 vendors and they deliver to the restaurant once or twice per week.

Mr. Olivo stated to avoid any traffic issues, he recommends a right turn only sign to exit from the proposed parking lot.

Upon query, Mr. Morales was informed by the applicant that if he has more room for parking, he will also get larger dumpsters which will eliminate any overflow of trash onto his lot. Mr. Garcia further informed Mr. Morales that the garage in the rear of his property is used for storage and he plans to update and paint the garage and building once he expands the lot.

Douglas White, Zoning Board Engineer went over points and issues in his review letter dated October 7, 2020. He clarified that this application and his letter only pertains to lot 3 for the proposed parking and lot 2 is where the restaurant is located.

The Solicitor commented that the applicant will need outside agency approvals for this application. A few mentioned by the Zoning Board Engineer are the Camden County Soil Conservation District and the Camden

County Planning Board. The Solicitor informed the applicant that the Zoning Board can proceed with the application. However, any approvals will be conditioned on the submission of applications and approvals from the outside agencies.

Upon query, the Solicitor was informed by the applicant that they are not prepared to give testimony this evening as to the criteria necessary for a use variance. Therefore, they wish to continue their hearing to a later date.

Mr. Padalino announced that this application will be continued to the hearing on October 21, 2020 and the applicant will not have to re notice or re advertise the hearing.

**MINUTES:**

It was moved, seconded and unanimously agreed to approve the meeting minutes from September 28, 2020.

**RESOLUTIONS:**

**Resolution #Z-2020-16** granting **RICHARD NAU** 20 feet of relief from the front yard fence setback requirement of 20 feet for a 6' vinyl fence. Premises located at 2678 Powell Avenue, Block 2707, Lot 9 in Zoning District R-2.

**Resolution #Z-2020-17** granting **MARTIN ORTIZ** 20 feet of relief from the front yard fence setback requirement of 20 feet for a 6' vinyl fence. Premises located at 5052 Jackson Avenue, Block 4809, Lot 1 in Zoning District R-4.

**Resolution #Z-2020-19** denying **LEROY YOUNG** 50 feet of relief from the front yard fence setback requirement of 20 feet for a 3' chain link fence. Premises located at 3255 47<sup>th</sup> Street, Block 4602, Lot 7 in Zoning District R-3.

**BILLS:**

It was moved, seconded and unanimously agreed to pay the following bills:

Florio, Perrucci, Steinhardt & Cappelli-Monthly Retainer-**\$1,134.67**

**COORDINATOR'S REPORT:**

None

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:15 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary