

August 4, 2021

MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PENNSAUKEN

The meeting of the Zoning Board of Adjustment of the Township of Pennsauken, County of Camden, State of New Jersey was held on the above date at the Municipal Building, 5605 N. Crescent Boulevard, Pennsauken, New Jersey

Vice Chairwoman Darlene Hannah called the meeting to order at 7:00 P.M. Vice Chairwoman Hannah announced the meeting was being held in compliance with the New Jersey Open Public Meetings Act and had been duly advertised. The Chairwoman led the flag salute.

Roll call showed the following members to be present: Dianne Piccari, Paul Hoyle, Lysa Longo, Ozzie Alves Duke Martz, and Vice Chairwoman Darlene Hannah, constituting a quorum. Also present were: Stephen Boraske, Solicitor; Gene Padalino, Planning and Zoning Coordinator; and Mary Leonard, Secretary.

Hearings

EJ Montgomery Realty, LLC, the applicant potentially seeks a use variance to allow 2 permitted uses on the same property and site plan waiver and also approval of all other variances and approvals that may be required, if it is determined that any additional variances of approvals are required. Premises located at 9215 Collins Avenue, also known as Block 2601, Lot 5 on the Tax Map of the Township of Pennsauken in Zoning District LI (continued from July 21, 2021 Zoning Board meeting).

Gene Padalino, Zoning and Planning Coordinator, stated the applicant requested this meeting be continued until September 1, 2021 meeting. The applicant does not need to provide further notification. The Zoning Board members agreed to the continuance unanimously on roll call vote.

Elsie Davis, is seeking 6 feet of relief from the front yard setback requirement of 25 feet for a 24' x 10' covered porch and any other variances that may be required by the Pennsauken Zoning Board. Premises located at 1912 Hollinshed Avenue, Plate 6, Block 612, Lot 15 on the Tax Map of the Township of Pennsauken, Zoning District: R-3.

Elsie Davis, 1912 Hollinshed Avenue, Pennsauken, New Jersey and Dave Barron, Contractor, Five Star Remolding, 412 Route 130 N. Unit B, Cinnaminson, New Jersey 08077 were sworn in by Solicitor Boraske.

The applicant proposes a front porch with a concrete base and covered roof. Pictures were presented showing the neighborhood and were marked as Exhibit A-1 by the Solicitor. The large picture was marked Exhibit A-2 and the additional pictures were marked Exhibit A-3 and Exhibit A-4 by the Solicitor.

Paul Hoyle questioned if the porch would fit with the design of the house. The applicant replied that it would.

Lysa Longo questioned if there would be electric. Mr. Barron replied no. Lysa Longo also questioned if there would be downspouts. The applicant replied there would.

Duke Martz questioned if there would be a concrete path to the porch. Dave Barron replied the same steps and walkway would stay. A concrete walkway would be added at a later date.

Public

Vice Chairwoman Hannah opened the meeting to the public. No one expressed a desire to speak. The public portion of the meeting was closed

Solicitor Boraske conducted fact finding. The applicant requested a 6' of relief from the front yard setback requirement of 25' for a 24' x 10' covered porch. There is no adverse impact on the neighborhood or the Master Plan or Zoning Plan. The photos that were presented fit with the neighborhood and no one from the neighborhood objected. It is not a detriment to the neighborhood.

Lysa Longo moved to approve the fact finding, seconded by Dianne Piccari, which carried unanimously on roll call vote.

Lysa Longo moved to grant the 6' variance, seconded by Paul Hoyle, which carried unanimously on roll call vote.

The vote was as follows: Paul Hoyle voted yes, stating it was not a detriment to the area and is an improvement. Dianne Piccari voted yes as stated. Lysa Longo voted yes as stated. Duke Martz voted yes, as stated. Ozzie Alves voted yes as stated. Vice Chairwoman Hannah voted yes as stated.

Juan Parra-Calle is seeking 25 feet of relief from the rear yard setback requirement of 30 feet for a 12' x 12' rear porch overhang and also a variance to exceed the allowable building coverage of 30% for a R-3 Zone and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 1653 Tinsman Avenue, Plate 7, Block 705, Lot 18 on the Tax Map of the Township of Pennsauken, Zoning District: R-3.

Juan Parra-Calle, 1653 Tinsman Avenue, Pennsauken, New Jersey was sworn in by Solicitor Boraske.

The applicant stated the overhang behind the house and door to basement has been damaged and they need an overhang. Juan Para-Calle presented pictures showing air conditioner unit from neighbor which hangs over his property. Leaves and tree branches fall onto his property. Solicitor Boaraske marked the pictures and Exhibit A-1.

Duke Martz questioned the need of a 12' x 12' overhang when the branches can be removed. Mr. Parra-Calle stated the neighbor will not let him remove the branches. Mr. Martz stated he can remove the branches that are on his property.

Dianne Piccari stated the overhang is already constructed and that the applicant did not know he needed a permit. It was constructed in May 2021. He put it up himself. The survey showed an undersized lot of 40' x 100'.

Solicitor Boraske stated the water run off ends up around the house and into the street. Publication was adequate.

#### Public

Vice Chairwoman Hannah opened the meeting to the public. No one expressed a desire to speak. The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. The applicant requested 25' of relief from the rear yard setback requirement of 30' for a 12' x 12' rear porch overhang. A variance was requested for 30% building coverage, which is pre-existing. There is no detriment to neighbors. The applicant will maintain improvements.

Lysa Longo moved to accept the fact finding, seconded by Duke Martz, which carried unanimously by the Zoning Board members.

Duke Martz moved to grant the hardship and condition for this application which has already been constructed and no one came to protest it. The approval is conditioned on the underground drainage system be corrected. A lot of rain comes down the back side and down the spout system. The applicant agreed to fix it. The motion was seconded by Dianne Piccari, which carried on roll call vote, with 5 members voting yes and 1 voting no.

The vote was as follows: Lysa Longo yes as stated. Duke Martz voted yes as stated. Dianne Piccari voted yes as stated. Paul Hoyle voted no stating his concern over flooding into neighbor's property and into the street. Ozzie Alves voted yes as stated and Vice Chairwoman Hannah voted yes stating the installation of the gutter and overhang will be an improvement.

Benjamin Robles/Raymond Robles are seeking a variance to construct a 24' x 26' garage in the rear yard which will exceed the maximum accessory structure size of 400 sq. ft. as per Township Ordinance number 141-78(B) and also 5' of relief from the rear yard setback requirement of 5' and 3' of relief from the side yard setback requirement of 5' and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 6175 Harvey Avenue, Pennsauken, New Jersey, Plate 50, Block 5005, Lot 13.

Benjamin Robles, 6175 Harvey Avenue, Pennsauken, New Jersey was sworn in by Solicitor Boraske.

Mr. Robles stated he constructed a shed to put his tools and did not know that he needed a permit. He presented pictures which Solicitor Boraske marked as Exhibit A-1.

Mr. Robles stated he is seeking a variance to construct a 24' x 26' garage in the rear yard which will exceed the maximum structure size of the square foot as per Township ordinance and a 5' relief from the rear yard setback and 3' of relief from the side yard setback.

The garage and shed are accessory structures.

Duke Martz suggested the applicant get rid of the plastic which will need approval from the Construction Official. The applicant agreed. The Solicitor stated he is to follow up with the Construction office.

#### Public

Vice Chairwoman Hannah opened the meeting to the public. No one expressed a desire to speak. The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. A variance was requested for 24' x 26' garage, which has been built in the back yard. And a 5' relief for the rear yard and a 3' relief for the side yard. The existing improvement was there when Mr. Robles moved in. The applicant will remove the plastic shed which will improve the appearance of the wooden shed and garage. Painting or siding will be added. The applicant is to secure additional permits and approvals from the Township for safety and everything will be properly corrected.

Dianne Piccari moved to accept fact finding, seconded by Duke Martz, which all members agreed to unanimously.

Dianne Piccari moved to grant the variances with conditions due to hardship with the condition the applicant apply for a permit, remove plastic and improve the existing garage. Paul Hoyle seconded the motion, stating the set back has been there and the property is cared for. The motion carried unanimously on roll call vote.

The vote was as follows: Lysa Longo voted yes as stated. Duke Martz voted yes as stated. Dianne Piccari voted yes as stated. Paul Hoyle voted yes as stated. Ozzie Alves voted yes as stated. Vice Chairwoman Hannah voted yes stating the applicant is to improve the appearance and obtain permits.

Kahari and Chanelle Trawick, are seeking approval for a 12' x 14' second story deck with 4' x 4' landing and steps in the rear yard where the deck size is limited to 10' x 12'. The applicant also is seeking 2' of relief from the side yard setback requirement of 5' and variances to exceed the permitted lot and building coverage and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 40 Kohlmyer Drive, Plate 26, Block 2604. Lot 20 on the Tax Map of the Township of Pennsauken, Zoning District: C-1. (Crossroads Redevelopment Overlay Zone)

Kahari Trawick, 40 Kohlmyer, Drive, Pennsauken, New Jersey was sworn in by Solicitor Boraske.

Mr. Trawick stated he just purchased the home, which is an end unit. It is the identical look of the others in the neighborhood. He is seeking approval for a 12' x 14' second story deck with a 4' x 14' landing and steps in the rear yard where the deck size is limited to 10' x 10'. The applicant is also seeking 2' of relief from the side yard setback requirement of 5' and variances to exceed the permitted lot and building coverage and any other variances and waivers that may be requested by the Zoning Board.

Mr. Trawick stated the construction is the same as the others but larger. Their decks are 10' x 10' and he is requesting 12' x 14'. He presented photos. The stairs will be off the back of the house and will be part of the deck. Mr. Trawick stated he had been in the Air Force for 8 years and has trouble with his site. This addition will be helpful for him.

Dianne Piccari stated the proposed addition looks beautiful and will conform with the color. It is not a detriment to the neighborhood.

Solicitor Boraske stated the deck being requested is 12' x 14' what is there now is limited to 10' x 10'.

#### Public

Vice Chairwoman Hannah opened the meeting to the public.

Tonya Jones, Pennsauken, New Jersey, was sworn in by Solicitor Boraske. Mrs. Jones stated she moved into the community in November. She expressed concern over the variation of the deck by the applicant. She further stated she was worried others that live there might want to do the same and she might lose value in her home due to lack of conformity. She opposed this application.

The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. The deed will be checked for restrictions. The applicant is seeking relief for a 12' x 14' deck which will require 2' relief from the side yard setback requirement of 5' and variances to exceed the permitted lot and building coverage. A variance was requested for building coverage. It is in a R-4 Zone. It is an end unit. It is in compliance with the Master Plan and the Land Use Law and Redevelopment. One neighbor opposed the application. There is no negative impact to the neighbors.

Lysa Longo moved to accept the fact finding, seconded by Dianne Piccari, which carried unanimously by the Zoning Board members.

Duke Martz moved to grant relief to the applicant. It is not a detriment and will increase value of the property. The same materials are to be used. The approval is conditioned on HOA approval. The motion was seconded by Dianne Piccari, which carried unanimously on roll call vote.

The vote was as follows: Paul Houle voted yes stating as long as it complies with HOA and the same materials are used. Lysa Longo voted yes stating with conditions being met. Duke Martz voted yes as stated. Dianne Piccari voted yes as stated. Ozzie Alves voted yes as stated. Vice Chairwoman Hannah voted yes stating the applicant is to follow up with the Construction Official.

M & G Detailing LLC is seeking a use variance to permit office, warehouse and interior auto detailing where it is not a permitted use. Premises located at 5825 Clayton Avenue, Suite A, also known as Plate 54, Block 5401, Lot 22 on the Tax Maps of the Township of Pennsauken, Zoning District: R-2. (Continued from July 7, 2021 Zoning Board meeting).

Matthew Zabel, Esq., 8 West Main Street, Maple Shade, New Jersey 08052 represented the applicant.

Matt Brown and Gregory Brown, 1229 Bedford Avenue, Cherry Hill, New Jersey 08002 were sworn in by Solicitor Boraske.

The applicant stated they have a mobile detail operation and they want to move trucks inside for safety. Matt Brown stated 90% of their business is done at the customers homes. They apply ceramic coating and do a full wrap. They have 5 employees. They do cars one at a time. Their hours are 8:00 A.M. to 5:00 P.M. Monday thru Friday.

There is not a problem with drainage. They just use soap and water, no chemicals. The clear wrap protects against rock chips and is warranted for ten years. Power washing is done at the client's home. They store at the warehouse two vans and supplies. They have office space.

#### Public

Vice chairwoman Hannah opened the meeting to the public. No one expressed a desire to speak. The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. The applicant is seeking a use variance to permit office space, warehouse and detailing. Permitted uses are commercial and industrial businesses and professional uses.

The applicant will have no manufacturing. It is an approved commercial use and is in compliance with the Land Use Law and the Master Plan. It has no negative impact on neighbors. Chemicals are not used at this location.

Lysa Longo moved to accept the fact finding, seconded by Dianne Piccari which carried with all members of the Zoning Board agreeing.

Paul Hoyle moved to grant the use variance. There have been no problems at that location and it fits in with the area. There is no detriment to the neighbors. The motion was seconded by Lysa Longo, which carried unanimously on roll call vote.

The vote was as follows: Lysa Longo voted yes stating there are no chemicals just soap and water. Dianne Piccari voted yes as stated. Duke Martz voted yes as stated. Paul Hoyle voted yes as stated. Ozzie Alves voted yes as stated. Vice Chairwoman Hannah voted yes as stated.

#### Resolutions

Resolution Z-2021- 15 was presented granting Amy McCarthy 37.12 feet of relief from the front yard fence setback requirement of 20 feet for a 4 foot vinyl fence in the front yard at 2145 Penn Street, Block 621, Lot 5, Zoning District: R-3. Lysa Longo moved to adopt the resolution, seconded by Dianne Piccari, which carried unanimously on roll call vote. The following members voted yes: Lysa, Longo, Dianne Piccari, Duke Martz, Paul Hoyle and Vice Chairwoman Hannah.

Resolution Z-2021-16 was presented granting Emiliano Cruz 11 feet of relief from the front yard setback requirement of 25 feet for a 12' x 15'.6" carport in the front yard at 426 48<sup>th</sup> Street, Block 403, Lot 17, Zoning District: R-3. Lysa Longo moved to adopt the resolution, seconded by Dianne Piccari, which carried unanimously on roll call vote. The following members voted yes: Lysa Longo, Dianne Piccari, Duke Martz, Paul Hoyle and Vice Chairwoman Hannah.

Resolution Z-2021-17 was presented granting Anna and Kerin North 36' of relief from the front yard fence setback requirement of 20' for a 6 foot vinyl fence in the front yard at 2929 Finlaw Avenue, Block 2918, Lot 1, Zoning District: R-2. Lysa Longo moved to adopt the resolution, seconded by Dianne Piccari, which carried unanimously on roll call vote. The following members voted yes: Lysa Longo, Dianne Piccari, Duke Martz, Paul Hoyle and Vice Chairwoman Hannah.



Resolution Z-2021-18 was presented granting James Casey 8 feet of relief from the front yard fence setback requirement of 20 feet for a 6 foot vinyl fence in the front yard at 5026 Woodbine Avenue, Block 5302, Lot 1, Zoning District R-2. Lysa Longo moved the resolution be adopted, seconded by Dianne Piccari, which carried unanimously on roll call vote. The following members voted yes: Lysa Longo, Dianne Piccari, Ozzie Alves, Duke Martz, and Vice Chairwoman Hannah.

Resolution Z-2021-19 was presented granting Nancy Lopez 120 sq. ft. of relief from the maximum accessory structure requirement of 400 sq. ft. and 2 feet of relief from the side yard setback requirement of 5 feet to permit a 20' x 26' (530sq. ft.) carport accessory structure at 8110 Day Avenue, Block 1509, Lot 11, Zoning District: R-3. Lysa Longo moved to adopt the resolution, seconded by Duke Martz, which carried unanimously on roll call vote. The following members voted yes: Duke Martz, Ozzie Alves, Dianne Piccari, Lysa Longo and Vice Chairwoman Hannah.

Resolution Z-2021-20 was presented granting Christina Bui a use variance and site plan waiver approval to permit a jewelry store at 5043 Westfield Avenue, Suite A, Block 4702, Lot 12 where it is not a permitted use in the P-1 Zoning District. Dianne Piccari moved to adopt the resolution, seconded by Lysa Longo, which carried unanimously on roll call vote. The following members voted yes: Lysa Longo, Dianne Piccari, Ozzie Alves, Duke Martz and Vice Chairwoman Hannah.

#### Minutes

Dianne Piccari moved to approve the minutes of July 21, 2021, seconded by Lysa Longo, which carried unanimously on roll call vote.

The meeting was duly adjourned on motion at 9:00P.M.

Respectfully submitted,



Mary L. Leonard

Secretary