

**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, Patrick Olivo and Duke Martz. Acting Solicitor Steve Boraske, Esq., 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:**

**ANTHONY MOTA** - Seeking a use variance to permit a tattoo shop in a C-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 3827 A Marlton Pike, Block 5832, Lot 2 in Zoning District C-1.

Mr. Padalino announced this application will be heard at the meeting on November 16<sup>th</sup>.

**JORDANO HERNANDEZ** - Seeking 48.4 feet of relief from the front yard fence setback requirement of 20 feet for a 4' vinyl fence. Applicant is also seeking 5 feet of relief from the side yard setback requirement of 5' and also seeking 5' of relief from the 5' setback requirement from the dwelling of the house for a (7.2 x 7') shed and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 2805 Cove Road, Block 5014, Lot 2 in Zoning District R-3.

Mr. Padalino announced this application will be heard at the meeting on November 16<sup>th</sup>.

**ALBERTO F. QUINTANA** - Seeking 6 feet of relief from the 6' side yard setback requirement for an R-3 zone for a 20' x 14.5 carport and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 2250 Mulford Avenue, Block 4912, Lot 12 in Zoning District R-3.

Mr. Alberto Quintana, 2250 Mulford Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. Quintana testified the he built a carport on the side of his house to keep water out of his basement as well as to keep his kitchen cooler during the summer months. Mr. Quintana further stated that he didn't know he needed a permit to construct the carport.

Upon query, the applicant informed Mrs. Butler that he didn't have any complaints from his neighbors.

Upon query, Mrs. Longo was informed by Mr. Quintana that the carport is made of pressure treated lumber, the shingles on the roof of the carport match the shingles on his house, he has a side door with 3 steps under the carport and he built the carport with help from his friends.

Mr. Hoyle commented he has no problem with the carport.

Upon query, Miss Piccari was informed by the applicant that he will apply for a permit from the construction office once he is approved for the variance.

Upon query, Mr. Morales was informed by the applicant that he doesn't intend on installing a ceiling fan in the carport at this time, but possibly he may consider it in the future. Mr. Morales commented that he visited the property and thinks the carport looks nice.

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, Alberto Quintana seeks 6 feet of relief from the 6 foot side yard setback requirement applicable to the properties located in the R-3 zone for an existing, pre constructed 20' x 14.5' carport. The property is located at 2250 Mulford Avenue, Block 4912, Lot 12 in the R-3 Zoning District. The application requires bulk variance relief because the minimum side yard setback requirement is 6 feet in the R-3 zone and the applicant's existing carport is essentially against the property line, so the applicant requires a full 6 feet of relief from the side yard setback requirement. The board can grant that relief as a C1 hardship variance or a C2 substantial benefit variance. Although the applicant has built the carport, that is not a reason that supports a hardship variance. A hardship can't be self-imposed. There wasn't evidence that supported a C1 hardship variance. However, the board could grant a C2, substantial benefit variance, which as the board knows can be granted when an application advances the purposes of the land use law such as promotion the general welfare, improving

the overall appearance and esthetics of the property, promoting safety and security and making adequate use of open land and space. Here, the applicant has testified to the board members that the carport was constructed in such a way that it looks good and it may advance or improve the overall appearance of the property. The applicant also testified that carport helps with water getting into his home and generally helps with stormwater management at the subject property so that another general safety, general welfare concerns the board could consider. As far as the negative criteria, the applicant testified that his neighbors have not complaints and it's been built. So, presumably if there were any negative impacts on the adjacent properties, we would have heard from the neighbors, and that is not the case. As far as substantial impairment to the zoning code, there was no testimony that the carport is inconsistent or a substantial detriment to our zoning code relative to other homes on the applicant's street in the R-3 Zone and in the township. The board can consider granting the application as a C2 bulk variance because it advances certain purposes of the of the land use law and the benefits of the application outweigh any detriment. The conditions discussed by the board were that the applicant secure any and all required local approvals and permits from the construction office and make sure moving forward that everything is properly applied for prior to the applicant commencing work.

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

Miss Hannah motioned to grant the variance with the condition imposed. She stated that the carport will add esthetic value to his property and to the surrounding properties. Miss Hannah further stated that the carport adds a safety feature for stormwater management at the property as well. Mr. Morales seconded. Roll call: Paul Hoyle, Lou Morales, Lysa Longo, Shirley Butler, Darlene Hannah, Diane Piccari and Duke Martz-Aye. None Opposed.

There was an informal discussion with the board and Mr. Casey Fordham, the new owner of the carwash located at 4001 41<sup>st</sup> Street (at Route 130 and Federal Street) regarding changes that were made at the property. Mr. Fordham is required and will submit a formal application and site plan seeking the board's approval at a later date.

The Solicitor informed Mr. Fordham that he will need to also obtain outside approvals since the property is located on a state highway.

**MINUTES:**

None

**RESOLUTIONS:**

**Resolution #Z-2020-22** granting **BRYAN J. BENNETT** 18 feet of relief from the rear yard setback requirement of 40 feet for a 10' x 24' deck on rear of house. Premises located at 5241 Baker Avenue, Block 5611, Lot 5 in Zoning District R-1.

**Resolution #Z-2020-23** granting **JOE H. NGOV** a use variance to permit a make-up beauty bar in a P-1 Zone where it is not permitted. Premises located at 5509 Westfield Avenue, Block 4703, Lot 11 in Zoning District P-1.

**Resolution #Z-2020-24** granting **YAJAIRA RAMOS** 20 feet of relief from the front yard fence setback requirement of 20 feet for a 6' vinyl fence. Premises located at 1619 41<sup>st</sup> Street, Block 902, Lot 3 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**

Florio, Perrucci, Steinhardt & Cappelli-Legal Services for Joseph Cummings-**\$40.00**

T&M Associates-Engineering Services for Phillips 5115, LLC-**\$1,224.00**

**COORDINATOR'S REPORT:**

Mr. Padalino reminded the board that our next meeting will be on Monday, November 16<sup>th</sup>.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 7:50 P.M.

Respectfully submitted:



Nancy L. Ellis, Board Secretary