

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 at the Pennsauken Municipal Building, 5605 N. Crescent Boulevard, Pennsauken, New Jersey.

Chairwoman Butler called the meeting to order at 7:00 P.M. and led the flag salute. Roll call disclosed the following members present: Carl Bierbach, Paul Hoyle, Lysa Longo, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari, Lou Morales and Duke Martz. Acting Solicitor Richard Wells, Esq., Planning & Zoning Coordinator John Adams, and Secretary Nancy Ellis were also present.

Chairwoman Butler 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:

LUIS DEJESUS - Seeking 20 feet of relief from front yard fence setback requirement of 20 feet for a six (6) foot fence and any other variances required by Pennsauken Zoning Board. Premises located at 1668 Springfield Avenue, Block 710, Lot 13 in Zoning District R-3.

Luis DeJesus, 1668 Springfield Avenue came forward to testify and was duly sworn by the Solicitor.

Mr. DeJesus testified that he would like to install a fence up to the front corner of his house and run it back on both sides and the rear of his property.

Upon query, Mr. Martz was informed by the applicant that he wants to put a fence up toward the front, even where his house begins.

Mr. DeJesus showed the board digital pictures of his property and indicated where he would like to install the proposed fence.

Upon query, Mr. Bierbach was informed by the applicant that he will be removing bushes that are currently on the property to install the fence.

Mr. DeJesus testified that his neighbors' were selling drugs, strangers were cutting through his yard and he wants to install a fence to protect his family and property. He further stated that his house was broken into as well.

Mr. Martz commented that he has no issues with the applicant installing the fence.

Upon query, the Solicitor was informed by the applicant that he will be installing a 6 foot, vinyl, privacy style fence.

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 based upon the applicant's desire to install a 6 foot vinyl privacy fence around the partial perimeter of the property. Section 141-89g of the township ordinance establishes that in all residential districts that no fence shall be erected any closer than 20 feet to the front building line. The applicant is proposing to install a fence even with the front building line necessitating the 20 feet of requested variance relief. Mr. DeJesus was sworn in indicating that he has lived at the property for roughly 20 years and wants to install a fence even with the front porch as depicted in the application. The applicant also showed the board digital pictures of the property to confirm where the fence will be installed. The applicant indicated that he had issues in the past with trespassing and burglaries at the property and he wants to ensure a safe back yard environment for his children and to protect his property as well. The applicant confirmed that it will be a 6 foot, white vinyl privacy style fence installed as depicted in the application. No members of the public appeared to testify.

Mrs. Longo motioned to accept the fact finding. Mr. Silver seconded.

Mr. Martz motioned to grant the application. He stated that based on the applicant's testimony, he is creating a safe environment for his family and he doesn't see any detriment to the surrounding community. He further stated he believes it will enhance the property and provide the applicant with a sense of protection for his family. Mr. Silver seconded. Roll call: Carl Bierbach, Lysa Longo, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz-Aye. None opposed.

LINDA ESTILOW - Seeking a use variance in the R-3 zone to convert the residential use into commercial office and any other variances required by Pennsauken Township. Premises located at 3440 Haddonfield Road, Block 3802 3802, Lot 38 in Zoning District R-3.

Linda Estilow, 3440 Haddonfield Road came forward to testify and was duly sworn by the Solicitor.

Ms. Estilow testified that she bought the property to use the front portion for an office for her Tupperware business and she and her family live in the rear of the property. The applicant further stated that she had put the house up for sale in July and she has had no luck selling it as a residential property. Therefore, she is requesting approvals to sell the property as commercial. Ms. Estilow further stated that the surrounding area is primarily businesses and her real estate agent can't list the property as commercial without the approvals from the zoning board.

Upon query, Mrs. Butler was informed by the applicant that the property is a ranch style house with an office in the front and their home in the rear of the property. She further stated that there are 6 parking spaces in front of the building.

Upon query, Mrs. Hannah was informed by the applicant that she believes she has a hardship.

Mr. Silver commented that he visited the property and believes the applicant has a hardship and the property definitely looks more commercial than residential.

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 use variance based upon the applicant's desire to change the property from a residential property to a commercial property. Section 141-78 of the township ordinance establishes the R-3 zone and does not permit commercial uses in the zone. Ms. Estilow was sworn in and testified that she purchased the property approximately 6 years ago for her family and to her knowledge the property was zoned as partial residence and partial commercial. The front office of the property was used for commercial purposes and the rear of the property was occupied for residential purposes. The applicant indicated that the utility bill states that the property was re-designated as primarily residential. Now that the applicant is selling the property, they are having issues selling it as strictly residential and would like to have the option of selling the property as a commercial property based upon the surrounding area, which has primarily a commercial aspect to it. The applicant indicated that the property has been on the market since July as residential and that the agent will not list it as a commercial property unless the property has proper zoning approvals. The applicant agreed to a condition of approval. The board imposed the condition and the applicant agreed that the Zoning Board's approval for a commercial use at the property will be abandoned upon the sale of the property to a non commercial buyer. However, the use variance approval would remain if the property is sold to a commercial buyer. The board also wanted to make it clear and to specifically note that the approval will not permit any multifamily use at the property.

Mrs. Longo motioned to accept the fact finding. Mr. Silver seconded.

Mr. Silver motioned to grant the application with the condition. He stated he believes the applicant has a hardship. Mr. Bierbach seconded. Roll call: Carl Bierbach, Lysa Longo, Shirley Butler, Jaye Silver, Darlene Hannah, Dianne Piccari and Duke Martz-Aye. None opposed.

MINUTES:

None

CORRESPONDENCE:

None

RESOLUTIONS:

Resolution #Z-2017-21 granting **BAYADA HOME HEALTHCARE** preliminary and final site plan approval for parking lot expansion. Premises located at 4300 & 4350 Haddonfield Road, Block 4301, Lot 1 & 6 Zoning District R-1, R-4, R-5, C-1.

BILLS:

It was moved, seconded and unanimously agreed to approve payment for the following bills:

10/4/2017-T&M Associates-Engineering Services for Bayada Home Health Care-\$705.00

10/4/2017-T&M Associates-Engineering Services for Stonegate II-\$15.81

COORDINATOR'S REPORT:

Not at this time.

There being no further business; it was moved, seconded and unanimously agreed to adjourn the meeting at 8:30 P.M.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Nancy L. Ellis".

Nancy L. Ellis, Board Secretary