



ZONING BOARD OF ADJUSTMENT
Thursday, November 21, 2013
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Mrs. Rovner at 7:31 pm.

PLEDGE OF ALLEGIANCE: Led by Mrs. Rovner.

OPMA STATEMENT: Read by Mrs. Rovner in compliance with the Sunshine Law.

ROLL CALL

- **Members in Attendance:** Ivy Rovner; William Carter; Harry Schmoll; Daniel DiRenzo, Jr.; and Samuel Kates.
- **Professionals in Attendance:** Paul Stridick, AIA, Director of Community Development; Anthony J. Zappasodi, Esq., Planning Administrator; Jacob Richman, Planning Technician; and Deena Greble, Esq., Solicitor. Solicitor Greble administered oaths to Msrs. Stridick, Zappasodi, and Richman.

COMMENTS FROM THE PUBLIC: None received.

ADMINISTRATIVE ITEMS

Regular Meeting Minutes from August 15, 2013: Mr. Carter made a Motion to Approve the Minutes from 8-15-13, which was seconded by Mr. Schmoll, with affirmative votes by Carter, Schmoll, DiRenzo, and Rovner. Abstention by Kates. Motion carried.

AGENDA ITEMS

13-Z-0037

Block(s) 395.03 Lot(s) 38
Zone: Residential (R3) Zone

Michael Palladino, Jr.
8 Winding Way
Cherry Hill, NJ

Relief Requested: A Bulk (c) Variance from section 406.D of the Zoning Code in order to allow a 600 sq. ft. (20' by 15' for each floor within the two stories) addition to the existing single-family detached residence to encroach within seven and half (7.5') feet of the side yard setback where a ten (10') buffer is required.

The Applicant, Michael Palladino Jr. residing at 8 Winding Way, had an oath administered by Solicitor Greble. Mr. Palladino testified that he was seeking a variance to permit an addition to be "on plane" with his existing side façade of his single family dwelling. The home has a preexisting nonconformity in that it was placed approximately seven and a half (7.5') feet from the side property line. The Applicant is proposing a two-story addition that will not encroach any closer to the side property line; the proposed addition would be built no closer than 7.5' to the side property line. The proposed addition would be 600 square feet and its dimensions would be 15' by 20'. Mr. Palladino stated that his family has been contemplating the addition for some time in order for him, his wife and children to care for his mother and father within their home. They would like to have the additional space for family and extended family visits. The Applicant testified that the location on the right of the home was the only realistic location due to an existing sliding glass door and the interior orientation of the home. The proposed addition would have a living room on the first floor, and a bathroom and bedroom on the second floor. There would be no additional kitchen and the Applicant testified that the addition would not, nor ever be, used as a separate or accessory dwelling unit. He was agreeable to a condition of approval as such.

The Applicant reiterated that the addition would be parallel to the existing nonconformity and be expanded towards the rear of the property and not any further into the side setback past the existing façade of the home. The Applicant testified that the addition will blend in with the neighborhood and utilize the same or similar vinyl siding that is present upon the home already. The Applicant testified that there will be a small porchlight on the outside of the home but it will not be directed towards any neighboring property. Mr. Palladino also testified that the additional stormwater runoff will not drain onto his neighboring properties as he would utilize gutters to keep the rainwater in his rear yard. Mr. Palladino testified that his wife Rita operates a Daycare from the home for three children (no more than 5 kids) and that they utilize the basement and kitchen. He testified that the addition would not, nor ever be, used as part of the daycare; he did not envision the daycare expanding at all.

The meeting was opened up to the public by Mrs. Rovner. No members of the public testified. The public comment portion of the hearing was closed by Mrs. Rovner. Board discussion ensued.

Motion to approve the Bulk (c) Variance with enumerated conditions as specified: motion made by Mr. Carter and seconded by Mr. Schmoll, with affirmative votes by Carter, Schmoll, DiRenzo, Kates, and Rovner. None were opposed. Motion carried.

13-Z-0038

Block(s) 524.01 Lot(s) 4

Zone: Residential Agricultural (RA) Zone

Relief Requested: A Bulk (c) Variance is proposed in order to permit the construction of a seven and a half (7.5') foot fence within the rear and side yards where only a six (6') foot maximum in height is permitted as per section 506.A.1.a.

Gregory Maslow

31 Dublin Lane

Cherry Hill, NJ

The Applicant, Dr. Gregory Maslow residing at 31 Dublin Lane, had an oath administered by Solicitor Greble. Prior to administering the oath, Solicitor Greble disclosed that her office has never represented Dr. Maslow before, but is familiar with his medical reports as an independent medical expert witness, and that there is no conflict of interest in this instance. Dr. Maslow testified that he built his single family dwelling and tennis court approximately 26 years ago because he liked the Wilderness Acres neighborhood due to it being heavily wooded and adjacent to a creek. The highly wooded nature of the lot and surrounding properties provides limited vegetation due to the shade. The Applicant wants to protect his existing garden as he gets older, and there has been a substantial increase in damage to his landscaping, plants, and flowers due to a ravenous herd of deer. The Applicant estimated that there were two deer present about 6 years ago, but now there are routinely eleven deer in and around his property. He is proposing to install a seven and a half foot (7.5') fence in the rear and side yards of his property. He testified that his research reflected that the 7.5' foot fence is necessary to keep the whitetail deer from jumping into his backyard so as to protect his lot's flora. A 6' foot fence would not keep the deer out. The fence would be constructed out of black vinyl and would be very difficult to see from any of his neighboring properties. It is not visible from the front yard and is shielded from view by his home and tennis court as it blends into the shadows. Dr. Maslow testified that he would agree to execute a "hold harmless" agreement due to the fence being located within a sewer easement on his lot and that he would move the fence if there is ever an emergency within the easement in the future. He also confirmed that the proposed fence would not be located within any wetlands or stream buffer. He wants to be conscientious so as to not cause any problems for his neighbors, but he really needs the fence at 7.5' in order to protect his garden and further keep away ticks that can cause Lyme's Disease.

The meeting was opened up to the public by Mrs. Rovner. No members of the public testified. The public comment portion of the hearing was closed by Mrs. Rovner. Board discussion ensued.

Motion to approve the Bulk (c) Variance with enumerated conditions as specified: motion made by Mr. Kates and seconded by Mr. Carter, with affirmative votes by Carter, Schmoll, DiRenzo, Kates, and Rovner. None were opposed. Motion carried.

RESOLUTIONS: None scheduled.

Meeting Adjourned: 8:08 pm.