



ZONING BOARD OF ADJUSTMENT
Thursday, March 20, 2014
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairperson Rardin at 7:30 pm.

PLEDGE OF ALLEGIANCE: Led by Chairperson Rardin.

OPMA STATEMENT: Read by Chairperson Rardin in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Daniel DiRenzo, Jr.; Ivy Rovner; Harry Schmoll; Farhat Biviji, Vice-Chairperson; and Jonathan Rardin, Chairperson.
- **Professionals in attendance:** Paul Stridick, AIA, Director of Community Development; Anthony Zappasodi, Esq., Planning Administrator; and Deena Greble, Esq., Zoning Board Solicitor. Solicitor Greble administered the oaths to Mssrs. Stridick and Zappasodi.

BOARD POLICY STATEMENT: Read by Chairperson Rardin.

COMMENTS FROM THE PUBLIC: None Received.

ADMINISTRATIVE ITEMS

Approval of Meeting Minutes from March 6, 2014: Mr. Schmoll made a Motion to Approve the Minutes from 3/6/14, which was seconded by Mr. DiRenzo, with affirmative votes by DiRenzo, Rovner, Schmoll, Biviji, and Rardin. None opposed. Motion carried.

AGENDA ITEMS

13-Z-0041

Block(s) 404.45 Lot(s) 5

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 foot (7.5') fence within the rear yard, where only a six (6') foot maximum in height is permitted as per section 506.A(1)(a). The fence is proposed to be located in the rear yard, outside of the wetlands buffer, connecting the six (6') foot fences along the side property lines.

Robyn and Michael Hirsch

216 Munn Lane

Cherry Hill, NJ

Robyn and Michael Hirsch were sworn in by Solicitor Greble. The Applicant requested a Bulk Variance to permit a seven and a half (7.5') foot black vinyl mesh fence within their rear yard. Mrs. Hirsch testified that they have lived at this property for the past eight years and that they have had a constant battle with the deer every day. She opined that this was a unique lot due to: the size being approximately 4 acres, being highly wooded, and being situated adjacent to a branch of the Cooper River. She stated that over 100 shrubs have been destroyed since their residency began. Mrs. Hirsch provided testimony that the deer rub their antlers against the concrete bench in her rear yard and numerous trees thereby destroying them (she acknowledged that the photographs she submitted in conjunction with the application depicted that specific damage). She also provided testimony regarding her Lymes disease and submitted written medical documentation with the application. The Applicant opined that the extra one and a half (1.5') feet would prevent the deer from entering and damaging her property. Mrs. Hirsch stated that she has a fear of going in the rear yard, and that the deer population continues to increase due to the lack of natural predators. Mrs. Hirsch testified that the proposed fence would be black nylon mesh with two-inch squares and metal uprights/poles. She stated that it is practically invisible due to it blending in with the surrounding woods, and that there would be no detrimental aesthetic effect to the neighboring properties.

Mrs. Hirsch stated that the fence had been erected in November without proper permits due to a miscommunication with the fence installer. Once Cherry Hill Township staff contacted the Applicant about the need for permits, she immediately applied for a zoning permit for the six foot privacy fence along both sides of her property, which was approved in November. She thereafter made application for the Bulk Variance for the 7.5' fence in her rear yard. She stated that there is a family of roughly 13 deer that are regularly seen along the creek

in the very back of her rear yard, but that no impressions in the black mesh fence had been made and that no tracks had been observed by the Applicant within the fenced in portion of her lot. Mr. Hirsch testified that the 7.5' foot wire mesh fence is the "standard" for deer fences, and that anything larger or constructed differently would be ugly and obtrusive. Mr. Hirsch stated that, prior to the fence being erected, a surveyor had staked out the property to ensure that the fence was not placed within any protected wetlands or wetlands buffer area. He agreed as a condition of possible approval to allow staff from the Township (or NJDEP) to inspect the fence to verify that it is not encroaching within the protected areas within the rear of his lot, which is a very deep lot.

Mr. Zappasodi testified regarding the Department of Community Development's review letter dated January 3, 2014. He highlighted the need to confirm that the fence is outside of any protected wetlands buffer area. He also testified regarding the history of the fence being erected and the subsequent filing of all appropriate permits and applications. Mr. Stridick provided clarification that the fence is not technically invisible, but that it is less noticeable than other fences.

Chairperson Rardin opened the meeting to the public and multiple people provided testimony. First was Thomas O'Neil from 257 Redstone Ridge. Mr. O'Neil expressed concern regarding the Board setting a bad precedent for this neighborhood. He stated that he is not afraid of the deer and that they are comparatively tame animals, especially when they encircle him on his walks near the branch of the Cooper River. He inquired if the Township had received any other complaints about property damage done by deer and if mosquito control has ever checked the area. He stated that he could not see the fence and that he hoped the potential variance would be limited to a wire mesh fence since it is practically invisible. Second was Helen Williams from 229 Redstone Ridge. Mrs. Williams stated that she could not see the fence and was opposed to any ugly privacy fence. She inquired as to the exact location of the fence within the rear yard and she was directed to view the large Site Plan, which was marked as Exhibit "A-1". She additionally favored very specific conditions if the variance was allowed. Third was Kathleen Brammell from 253 Redstone Ridge. Mrs. Brammell opposed the variance since she believed it was a bad precedent. She stated she lived directly behind the parcel in question and that the deer are pests and that she did not believe that fences are the right thing in that neighborhood because she did not want to see more fences everywhere. She stated that she could not see the black mesh fence from her property. She was concerned about any possible approval leading to more and more large fences in that neighborhood. Fourth was Martha Wright from 200 Munn Lane. Ms. Wright stated that she was conflicted about the variance and that her property is immediately adjacent to the right of the parcel in question. She believed that this type of black mesh fence was the most attractive option, especially compared to a wood privacy fence. She stated that the fence is not visible to anyone and that she does not want to hurt her neighbors and ultimately supports the application. Ms. Wright suggested a specific condition that limited the variance to the rear yard only and not along the sides of the property. Chairperson Rardin closed the public portion. Some Board discussion ensued regarding some potential conditions of approval related to the rear of the property and the specific type of black mesh fence in addition to other mentioned earlier. The meeting was re-opened to the public by Chairperson Rardin. Fifth was Tom Galvin from 249 Redstone Ridge. Mr. Galvin asked about limiting the variance to this particular property owner due to the health concerns with Lyme Disease. He reiterated the need for specific conditions of approval and that it not be placed within a protected area. Chairperson Rardin closed the public portion again.

Motion to approve the Bulk Variance for a 7.5' foot fence within the rear yard with enumerated conditions as specified: Motion made by Mrs. Rovner and seconded by Mr. Schmoll, with affirmative votes by DiRenzo, Rovner, Schmoll, Biviji, and Rardin. None were opposed. Motion carried.

RESOLUTIONS: None.

Meeting Adjourned: 8:27 pm.