



MINUTES
MERCHANTVILLE JOINT LAND USE BOARD

Borough Hall Council Chambers
1 West Maple Avenue, Merchantville, NJ 08109
Tuesday, July 9, 2019

1. **CALL TO ORDER.** The meeting was called to order around 7:35pm.
2. **OPEN PUBLIC MEETINGS ACT.** The Chairperson advised that the notice of the meeting was provided in accordance with the Open Public Meetings Act.
3. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE.** Meeting attendees stood for the pledge of allegiance and moment of silence.
4. **ROLL CALL**

<u>Class IV</u>	<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class II</u>
Benjamin	Brennan	DeSimone	Fiume	Fitzgerald	Lammey	Licata	Stewart	Uricchio	Woods	Wuebker
Absent	Present	Absent	Present	Absent	Present ¹	Absent	Present	Present	Present	Present

5. **OLD BUSINESS**

- Approval of Meeting Minutes. Mr. Uricchio made a motion to approve the May 14, 2019 meeting minutes. Ms. Stewart seconded the motion. The board voted as follows:

<u>Class IV</u>	<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class IV</u>	<u>Class II</u>				
Benjamin	Brennan	DeSimone	Fiume	Fitzgerald	Lammey	Licata	Stewart	Uricchio	Woods	Wuebker
	Abstain ²		Yes				Yes	Yes	Yes	

The meeting was recessed at 7:42 in expectation of Mr. Lammey joining the Board this evening. The meeting was called back into order at 7:44pm. Mr. Lammey joined the meeting.

6. **NEW BUSINESS**

- Public Hearing - JLUB #2019-3, Sean O'Mara, 110 Myrtle Avenue (Block 14, Lot 2)
Bulk Variance Application for 6' high fence

The Applicant was sworn in. He is the owner of the property. He proposes to install a six foot (6') high fence enclosing the rear portion of the Property. The Zoning Ordinance only allows four foot (4') in height in the rear yard. He is seeking a "C" bulk variance. Specifically, he proposes that the fencing along the western border of his rear yard shall be a solid, six-foot high, spruce wood fence while the remainder of the fencing shall be a solid, vinyl, six-foot high fence.

The Property has unique characteristic in that the Property borders seven (7) separate properties resulting in the back yard of the Property abutting either no fencing or varying fence heights and styles, some of

¹ Mr. Lammey arrived after roll call at 7:43pm.

² Mr. Brennan was not eligible to vote.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

which are in disrepair. There are no fences along the eastern boundary and there are currently 4', 5' and 6' fences that run along the southern and western border his property.

The Applicant believes the proposal advances the purposes of the Municipal Land Use Law by creating a uniform appearance and, thereby, creating a more desirable visual environment. The Applicant does not believe there will be any detriment to the public good. He seeks to secure the Property by fully enclosing the rear yard with the proposed fencing.

A Board member inquired about a segment of chain link fence in the back of the property (to the south) that doesn't align with the property line. The Applicant advised that he didn't realize that until he saw the survey - - that it isn't as obvious in person. He spoke with the neighbor at 107 Woodbine and they are going to work together; she was concerned there would be a gap between the fences. It is likely that he will remove that chain link segment (with her permission) and his new fence will serve as the fence line between the properties. Other alternatives were discussed. The Board Solicitor advised that the Board only has authority to allow the fence to be installed on his property. The Applicant understood.

A Board member asked about the reasoning for the two types of fencing – vinyl and spruce. The applicant explained it is due to the bamboo in the back corner that is taking over and destroying the fences. He wants to try to work with the neighbors to eliminate or get the bamboo under control. He is concerned about the difference in cost of needing to repair the fence over time – the spruce will be less costly than the vinyl.

The meeting was opened to the public and no members of the public appeared to question the Applicant or provide comment on the application. Ms. Wuebker confirmed the Application and public notices were in proper order.

Board members discussed the application. Board members felt that it would result in an improvement to the Property and the benefits of granting the requested variance would outweigh any detriment. It would advance the purposes of the Municipal Land Use Law by promoting a desirable visual environment and there would not be a substantial detriment to the neighbors.

Mr. Lammey made a motion to approve the application, which was seconded by Jessica Stewart. The voting on the application was as follows:

<u>Class IV</u>	<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class IV</u>	<u>Class II</u>				
Benjamin	Brennan	DeSimone	Fiume	Fitzgerald	Lammey	Licata	Stewart	Uricchio	Woods	Wuebker
	Yes		Yes		Yes		Yes	Yes	Yes	Abstain

7. **PROFESSIONAL COMMENTS.** Ms. Wuebker advised that she uploaded resources for the Board to the google drive, such as the Zoning Ordinance, purposes of municipal land use law, standards of review.
8. **BOARD COMMENTS.** A Board member suggested that perhaps fence height is a topic that should be discussed during the annual review report.
9. **ADJOURNMENT.** The Board adjourned at approximately 8:00. The Board went into executive session to discuss the fence section of the ordinance.

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