

**MINUTES**  
**MT. EPHRAIM LAND USE BOARD MEETING**  
Borough Hall Court Office  
121 S Black Horse Pike, Mt. Ephraim, NJ 08031  
Monday, May 9, 2022, 7:30pm

**CALL TO ORDER.** Robert Carter called the meeting to order and stated the meeting was advertised and notices posted in accordance with the “Open Public Records Act.”

**PLEDGE OF ALLEGIANCE.** All persons present, stood for the pledge of allegiance.

**ROLL CALL** – Mayor Tovinsky, Kim Beebe, Michael Schiavo, Steve Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Gary Prinski, Douglas Morgan, present. Commissioner Gies, Michael Marrone, Carmine Rampolla, Jason Kerns, absent. Michael Marrone present, at 7:33pm, and Jason Kerns present, at 7:34.

**Calendar of Old Business**

N/A

**New Business**

**Oath of Office: Kim Beebe – Class II, George Gies – Class III, Steve Eggert – Class IV, Thomas Maxwell – Class IV, Gary Prinski – Class IV, Michael Marrone – Alternate No. 1, Jason Kerns – Alternate No. 4**

**Application on Rudderow LLC Final Site Plan and Sub-Division.**

Joe Nardi explains that the applicants attorney has submitted a letter requested to postpone the hearing until June 13th, if everyone recalls there is a fire safety issue that they are trying to get resolved, the attorney has indicated they are looking for an expert in this field to give an opinion and that is also obtained a fire safety expert engineer as I understood who will be providing him with a report, so they can provide everyone that report to review. See we did formally discuss the postponement they would not be required to re-notice.

**Application for a 6ft fence variance – 69 E Kings Hwy., (Dietrich)**

Joe Nardi – has the applicant state his name and address for the record, the applicant gets sworn in. He then explains to the applicant that it is his burden to give testimony to the members on why they should approve his application. Joe then asks the secretary Tara Weiss if she received the notices and advertisements that the applicant was supposed to do. Tara Weiss replies yes, I received them.

Cody Dietrich – its pretty simple, since I am a corner lot, I have two front yards and the one side yard would need to be 10ft in from my property line to put the 6 ft fence, with that I have a Japanese Maple in my yard and I would have to cut the tree in half to get it to meet the code, and since my yard is already raised up so much it would cut my yard in half even more and would make the yard unusable. The way my yard sits isn't up against the corner where the cars would be

driving or anything, you would have to be six cars deep before you would even be next to my fence, so there would be no sight line or any impacts to the public traffic movement.

Joe Nardi – could you give more information on the tree that you briefly discussed. Like why does trimming of branches require you to need this variance.

Cody Dietrich – so it would be right at the base of the tree, so basically it shoots off and goes on an angle, so right where that line would be the 10ft offset would cut right through the main part of the tree.

Steve Eggert - would the fence be already up on the like the hill area of your property?

Cody Dietrich – yes, so my property is already raised up about 5ft from the sidewalk.

Douglas Morgan – so its not going to look any different because the fence that is there is already raised 5ft because of how the property sits.

Cody Dietrich – yes, that is correct.

Joe Nardi – are there any other fences in similar spots or heights by your neighbors?

Cody Dietrich – well across the street neighbor has a chain link fence that looks to be only 7/8 feet off the property line. So that seems even closer than what I am proposing.

Robert Carter – what kind of fence are you proposing?

Cody Dietrich – a 6ft wooden fence.

Thomas Maxwell – a 6ft wooden fence, correct.

Cody Dietrich – yes, that is correct.

Thomas Maxwell – you are already 5ft up?

Cody Dietrich – yes.

Steven Eggert – the entire property is already up, though.

Thomas Maxwell – I know that it just is going to make the fence look like its 11 feet in the air, do you need 6ft? Is there like a reason, keeping the dog inside the yard.

Cody Dietrich – yes, I have a dog, so I want to keep him in the yard, and she is projected to be like 85 lbs.

Douglas Morgan -what is there now like a chain link fence?

Cody Dietrich – there is no fence now.

Thomas Maxwell – you have a 4ft chain link fence on the other side though.

Cody Dietrich – that has been removed.

Joe Nardi - when you indicated that the site lines are fine and there are no obstructions, how did you draw that conclusion?

Cody Dietrich – my profession is that I am a highway engineer, so I deal with this a lot.

Joe Nardi – how would you put this in engineer terms?

Cody Dietrich – its just a site line requirement situation, most intersections already fail as is, you have a car, a stop sign, you need to measure 8ft back and you have a certain length down the road that you are supposed to see, and where stop signs usually are its already like 10ft back from the roadway, so you can't see anything.

Joe Nardi – what would be the first spot that with this fence you would be able to see oncoming traffic by your estimation.

Cody Dietrich – I'm sorry.

Joe Nardi – if you were traveling down past the front of your house, how close would you need to get to the intersection before you would see cars coming?

Cody Dietrich – you would have to be extremely close; you would have to be basically pulling out. There is a retaining wall on my neighbor's side to the left and then my house like I said is on a hill, there is yellow paint on the corner, but it's really faded, and everyone parks there so you can not see anything unless you pull out a little bit at that intersection.

Joe Nardi – so it sounds like you are saying the fence really has no effect on the cars being able to not see, basically you are putting up the fence it would still be the same way for the cars now as we speak.

Cody Dietrich – that is correct.

**Board Comments – None, Robert Carter opened to the members to see if they had any further comment, hearing none the board portion was closed.**

**Public Comments – None, Robert Carter opened the public portion, hearing none the public portion was closed.**

Robert Carter – next we will need a motion to approve the application.

**Anthony Stagliano made a motion to approve the application for a variance, the application was seconded by Michael Marrone.**

**Roll Call:** Michael Tovinsky, Kim Beebe, Michael Schiavo, Stever Eggert, Thomas Maxwell, Robert Carter, Anthony Stagliano, Gary Prinski, Michael Marrone, Douglas Morgan, Jason Kerns, all voting yes.

**Professional Comments – None**

**Motion to adjourn meeting. All voting in favor.**