The Chairman called the meeting to order and stated it was being held in compliance with the "Open Public Meeting Act" and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Robert Weil, Mr. John Daddario, Mr. Lee Cohen, Mr. Habib Quraishi, Mr. Hal Willard, Mr. Manny Leoncio and Mr. Jeff Senges

Absent: Mr. Len Patton and Mr. Neal Cupersmith

Also, present, Mr. Stuart Platt, Board Solicitor and Elaine Powell, Zoning Board Secretary.

APPROVAL OF MINUTES

Mr. Weil motioned to approve the minutes from June 9, 2016; seconded by Mr. Willard. Motion carried by the assenting voice vote by all board members with the exception of Mr. Senges, Mr. Cohen and Mr. Quraishi who abstained.

MEMORIALIZATION OF RESOLUTIONS

Tracy Elwell
3 Tulane Avenue
Block 269.01; Lot 1
Resolution No.16-017

William Robbins
31 Rollingwood Drive
Block 230.15; Lot 66
Resolution No. 16-018

NEW BUSINESS

Upal Desai
25 Regan Lane
Block 213.01, Lot 5
MDR Zone
Case #2016-009

Seeking relief from Sections 150.14(B)(2)(c) and 152.015(D)(1)(a) of the ULDO to permit the construction of a 6-foot high fence with a setback of 20 feet from the property line along Cooper Road where 50 feet is required on reverse frontage lots. Requesting any other relief as may be deemed necessary by the Board and/or its professionals

Mr. and Mrs. Upal and Neera Desai were sworn in. Mrs. Desai testified that they recently built a deck onto the rear of their home, which backs to Cooper Road. Due to the noise from traffic and their safety concerns due to trespassers cutting through, they would like to construct a 6-foot high fence around their rear-yard and plant additional trees to minimize the impact. Mrs. Desai further testified that there was only approximately 15-20 feet between her deck and where the fence would be permitted by code.

When questioned by the board on the number of variances granted for this type of request and the actual variance granted, Ms. Powell stated that approximately 5 variances have been granted and that the most recent resolution granted a setback of 35 feet where 50 feet is required. Mr. Senges asked Mr. and Mrs. Desai if they would be willing to amend their application to 35 feet as the Board would like to j=keep continuity along the road to which the Desais agreed.

Mr. Senges questions which style of fence the applicant proposed. Mrs. Desai stated they were between a solid wood type and solid vinyl type fence. The board marked the picture of both fences as Exhibit A-1 for the record.

The meeting was opened to the public; seeing no one, the public portion was closed.

Mr. Weil made a motion to approve the fence with a rear-yard (reverse-front) setback of 35 feet with the type of fence as depicted in Exhibit A-1. Mr. Willard seconded the motion.

Ayes: Mr. Robert Weil, Mr. John Daddario, Mr. Lee Cohen, Mr. Habib Quraishi, Mr. Hal Willard, Mr. Manny Leoncio and Mr. Jeff Senges

Nays: None

Mr. Platt explained the notice of decision requirements and appeal process to Mr. and Mrs. Desai and stated that if they proceed with construction prior to the appeal process expiration, that they build at their own risk.

William & Robyn Block
34 Nolen Circle
Block 213.09, Lot 19
MDR Zone
Case #ZC2016-011

Seeking relief from Sections 152.13(A)(6) and 152.015(D)(3) of the ULDO to permit the pool to remain as constructed with a rear-yard setback of 13 feet and to allow the paver decking to remain as constructed with a rear-yard setback of 7.99 feet and a side-yard setback of 12.5 feet where side and rear setbacks of 15 feet are required. Requesting any other relief as may be deemed necessary by the Board and/or its professionals

Mrs. Robyn Block, property owner, and Mr. Matt Landis of Platinum Pools, property contractor, were sworn in. Mr. Senges questioned how an approved project that met all zoning codes was constructed differently and ended up before the board for multiple variances. Mr. Landis stated that there were some measurement errors in the field and when they extended the pavers near the deep end of the pool, they did not believe that the pavers needed to be 15 feet from the property line. He stated that in other towns pavers did not count as part of structure. Mrs. Block stated that she had requested the pavers be extended at the deep end of the pool for the safety of kids walking around the pool. Mr. Platt indicated that some mistakes and miscalculations were made but that it did not appear to be maliciously done.

The board questioned the applicant on the landscaping installed along the side and rear fence. Mrs. Block responded that the landscaping was installed to minimize the impact of their project to the neighbors and that the evergreens should grow quickly to be as tall as the existing evergreens.

The meeting was opened to the public. Mr. David Harris, owner of Lot 27 directly behind the subject property, was sworn in. MR. Harris stated that the fence erected by the applicant was attached to his fence without permission, that the sound level from the property is high, and they had a lack of privacy. When questioned by Mr. Senges if the noise impact would be any less if the patio was 5 feet further from the property line, Mr. Harris responded that he wasn't sure but that he could currently see their dog and people walking along the deck from his home. Mr. Platt asked Mr. Harris what the applicant could do to alleviate his concerns to which he responded that they could put another post in and plant 8-foot high evergreens along the fence.

Seeing no further public comment, the Public Portion was closed.

Mr. Senges asked the applicant if she was willing to plant 8-foot high evergreens along the fence that abuts the Harris' property line. After discussion with her contractor, Mrs. Block agreed to plant 8-foot evergreens and install an additional fence post so that her fence is not attached to the Harris' fence.

Mr. Cohen made a motion to approve the pool and pool decking as constructed with the condition that 8-foot high evergreens be planted along the fence between the pool filter equipment and the property line of Lot 27 and the installation of an additional post on the fence. Plantings must be planted by November 2016. Mr. Willard seconded the motion.

Ayes: Mr. Robert Weil, Mr. John Daddario, Mr. Lee Cohen, Mr. Habib Quraishi, Mr. Hal Willard, Mr. Manny Leoncio and Mr. Jeff Senges

Nays: None

The meeting was opened to the public.

The public portion of the meeting was closed.

Seeing no further business Mr. Willard makes a motion to adjourn, seconded by Mr. Cohen.

Elaine D. Powell
Acting Zoning Board Secretary