The Vice-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. Neal Cupersmith, Mr. Robert Weil, Mr. John Daddario, Mr. Manuel Leoncio, Mr. Len Patton & Mr. Hal Willard

Absent: Mr. Jeff Senges, Mr. Lee Cohen and Mr. Habib Quraishi

Also present, Mrs. CherylLynn Walters, Board Solicitor

APPROVAL OF MINUTES

Mr. Weil motioned to approve the minutes from April 14, 2016; seconded by Mr. Willard. Motion carried by the assenting voice vote by all board members with the exception of Mr. Cupersmith who abstained.

MEMORIALIZATION OF RESOLUTIONS

Francisco Ayoub
1504 Walnut Avenue
Block 161; Lot 117
Resolution No.16-016

NEW BUSINESS

Tracy Elwell
3 Tulane Avenue
Block 269.01; Lot 1
Bulk Variance
ZC2016-006

Seeking relief from Section 150.14(B)(1)(a)(2) of the ULDO to permit the construction of a 6-foot high fence to be constructed forward of the rear corner of a residential structure and in the side-yard area where only a 4-foot high fence is permitted and for relief from Sections 150.14 (B)(2)(a), 150.14(B)(2)(c) and 152.015(D)(1)(c) of the ULDO to permit the proposed 6-foot high fence to be constructed in the front-yard area with a front-yard setback of 7 feet from the property line along Penn Road where 35 feet is required. Also requesting any other relief as may be deemed necessary by the Board and/or its professionals.

Tracy Elwell was sworn in. Mrs. Elwell testified that there were three reasons for her requesting the fence variance: 1) to provide a safe area for her children to play, 2) for privacy, and 3) to allow a safe area for her dog. Mrs. Elwell further explained that her property is at the corner of Tulane Avenue and Penn Road. Due to the curve in the street, her property is cut closer to a 45-degree angle, which creates an extremely small rear yard. Due to the proximity of the road, drivers and walkers can see her entire yard, deck and into her home. She also stated that her home sits slightly higher than the other homes on her street. A set of pictures was submitted showing a fence at 2 Moonshadow Court, which has a less than 35-foot setback to the roadway. Mrs. Elwell also stated that her street is a very busy roadway.

Mr. Weil questioned if the sight line would be an issue to which Mrs. Elwell responded no. The fence would sit well back from where the stop sign is by approximately five car lengths.

Mr. Cupersmith then opened the meeting to the Public. Mr. Howard Eichenbaum was sworn in. Mr. Eichenbaum stated that he lives directly across the street from Mrs. Elwell and he fully understands Mrs. Elwell's concerns and that her home is the only home that has its rear yard fully exposed to the street. Mr. Eichenbaum and his wife support the application. Seeing no further Public comment, the Public Portion is closed.

Mr. Weil made a motion to approve the application as presented. Mr. Willard seconded the motion.

Ayes: Mr. Weil, Mr. Daddario, Mr. Leoncio, Mr. Willard, Mr. Patton & Mr. Cupersmith
Nays: None

The board commended Mrs. Elwell on her presentation and agreed that the property presented a hardship and safety issue due to the layout and topography.

William R. Robbins
31 Rollingwood Drive
Block 230.15; Lot 66
Bulk Variance
ZC2016-007

Seeking relief from Section 150.13(A)(9)(b)1.B. of the ULDO to permit the installation of a stand-by generator in the side-yard area where generators are permitted in the rear-yard only. Also seeking any other relief as deemed necessary by the Board and/or its professionals

William Robbins was sworn in. Mr. Robbins testified that 65-75% of all utilities are in the side yard and that it would cost him a fortune to put his generator in the rear yard. Mrs. Walters explained that financial reasons are not a recognizable hardship under the law. Mr. Robbins testified that he has a mortared walkway and sprinkler system that would have to be removed to locate the generator in the rear-yard and that there is a dryer vent at the back of the home. His home is on a crawl space. He also explained that there are many power outages in the area and they had one that lasted for 2 days causing the temperature in the home to drop to 49 degrees. Mr. Robbins described the pictures submitted with his application and stated that the generator would not be seen from the street.

Mr. Weil asked if the generator is powered by natural gas. Mr. Robbins responded yes to the questions and stated that it is very quiet, clean and efficient.

Mr. Cupersmith then opened the meeting to the Public; seeing no one, the public portion was closed.

Mr. Weil made a motion to approve the application as presented. Mr. Willard seconded the motion.

Ayes: Mr. Weil, Mr. Daddario, Mr. Leoncio, Mr. Willard, Mr. Patton & Mr. Cupersmith
Nays: None

Seeing no further business Mr. Weil makes a motion to adjourn, seconded by Mr. Daddario.

Elaine D. Powell
Acting Zoning Board Secretary