

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. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith & Mr. Senges

Absent: Mr. Cohen, Mr. Quraishi & Mr. Patton

Also present, Mrs. CherylLynn Walters, Board Solicitor and Mr. Bennett Matlack

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#### APPROVAL OF MINUTES

Mr. Willard motioned to approve the minutes from January 28, 2016; seconded by Mr. Cupersmith. Motion carried by the assenting voice vote by all board members with the exception of Mr. Weil who abstained.

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#### NEW BUSINESS

David & Phyllis Semless  
30 Oak Ridge Drive  
Block 202.10; Lot 8  
Bulk Variance  
ZC2015-019

\*Prior to the applicant being sworn in Mr. Willard states that he is recusing himself, on the basis of knowing the applicants and leaves the courtroom.

Mr. Semless states that he and his wife are appearing before the Zoning Board to request relief from Section 150.14(B)(1) to allow the 5 foot fence to remain in place. He states that he and his wife had previously owned, now deceased, a dog that would have been able to jump over a 4 foot high fence. He stated that the fence was placed parallel to his neighbor’s fence for a more pleasant curb appeal.

Mr. Senges then questions whether the applicant will be installing the required shrubbery. Mr. Semless advised the Board that the shrubbery has been ordered but will not be placed until the weather warms up and the plants can take hold.

Mr. Weil makes a motion to grant relief from Section 150.14(B)(1) from the ULDO to permit a 5 foot high fence to remain constructed in the side-yard, where only a 4 foot high fence is permitted. Mr. Daddario seconds the motion. Motion is carried by the following roll call vote:

Ayes: Mr. Weil, Mr. Daddario, Mr. Leoncio, Mr. Cuppersmith, Mr. Senges

Nays: None

#### OLD BUSINESS

Muslim American Community Association  
3 Lafayette Avenue  
Block 278; Lot 15  
Phase II: Final Site Plan Approval  
ZC2015-017

Mr. Kasuba, Esq. presents the application explaining that the Phase II Final Site Plan deals with the construction of the Muslim American Community Association building. He explains that the building consists of a 5500 sq. ft. main building with a 2000 sq. ft. basement. As part of the preliminary approval there were conditions imposed upon the applicant and they feel as though

they have satisfied those conditions and will continue to do so during the course of construction. Furthermore they are not seeking relief from any of the conditions imposed.

Mr. Kasuba reminds the board that during their previous appearance before the board there was a concern about the increased flow of sewer from the additional building. He explained that the applicant was in fact able to obtain a final resolution from Berlin Township, granting them permission to tie into Berlin Township sewer.

Mr. Kasuba then introduces the applicants engineer Mr. Jack Gravelin, P.E. who is sworn in by Cheryl Lynn Walters, Esq. Mr. Matlack then asks Mr. Gravelin if the Phase II Final Site Plan is the same plan that was approved as the Preliminary and Final Phase I and Preliminary Phase II. Mr. Gravelin advises that it is the exact same plans and that the applicant is not proposing any deviations or changes from the original plans and designs. Mr. Gravelin explains that the construction should take approximately 12-24 months and during that time they have adequate space and access to conduct the necessary construction. He further explains that there are no pending outside agency approvals and there are none required for this application. Mr. Matlack asked Mr. Gravelin to provide the Zoning Board with an As-Built Survey as a condition of approval. The applicant agreed to this condition and advised that they will forward this survey to the board. Mr. Gravelin further advises that on the engineers review letter there is a request for (5) minor revisions, he states that he will revise the plans to conform to those requests.

Mrs. Walters, Esq. then advises the applicant and their professionals of the Fire Departments request to be notified of the type and size of any sprinkler or alarm systems. They would additionally ask for information regarding interior and exterior access to the basement, as well as the use of that space. Mr. Gravelin advised that they will provide the requested information to the Fire Official.

Mr. Senges then opens the meeting to the Public. Seeing no comments he closes the Public Portion.

The Board then asks for an in depth explanation of the approval being requested by the applicant. Mrs. Walters, Esq. states that the application is for Final Major Site Plan approval for Phase II construction at the Muslim American Community Association site, Block 278; Lot 15, with the conditions that the applicant will supply the Boards Engineer with an As-Built Plan/Survey and the applicant will coordinate with the Fire Marshall to satisfy the Fire Marshalls comments. Mr. Willard makes a motion for the Final Major Site Plan approval for Phase II construction at the Muslim American Community Association site; Mr. Weil seconds the motion. Motion is carried by the following roll call vote:

Ayes: Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith & Mr. Senges

Nays: None

#### NEW BUSINESS

Shirley Frank  
4 Cedar Hill Court  
Block 230.10; Lot 12  
Bulk Variance  
ZC2015-011

The applicant is appearing before the board with her husband, Allen, seeking relief from section 152.015(D) and (G), 150.13, 150.12 & 150.14(B)(1) of the ULDO to permit the following: To allow the paver patio to remain with a side-yard setback of "0" feet and a rear yard set-back of "0" feet where 15 feet is required; to allow accessory structures to occupy more than 25% of the rear-yard area and to allow an impervious coverage of 81% where the maximum permitted is 45%; to allow the paver patio driveway to be constructed within 5 feet of the side and rear property lines where, in no event shall grading, construction or alteration of a lot be permitted within 5 feet of a side or rear property line; and to allow the 6-foot high fence to remain as constructed in the side-yard area where only a 4-foot high fence is permitted.

Mr. Senges advises the applicant that their application is technically sensitive and that in the applicant's best interest they should be represented by a professional to address engineering issues. Furthermore he does advise the applicant that they have every legal right to proceed without professional assistance.

Mrs. Frank explains that she never knew she had a problem in regard to violating any ordinances until she received a violation notice. The board engineer, Mr. Matlack asks the applicant if there is any type of drainage system in the rear of the property. Mr. Frank advised that there is not. Mr. Matlack asks Mr. Frank to explain how water drains from the back yard. Mr. Frank states that there is room between the fence and the driveway where the water runs, to which Mr. Matlack explains that the pool appears to be at the highest grade on the property and that the water runs from their property to their neighbors property.

Mr. Senges asks Mr. Matlack if he feels that he would be able to approve this application without a professionals recommendations or an engineer's testimony on behalf of the applicant. Mr. Matlack states that as the application sits, there is nothing to be reviewed by way of mitigation. Mr. Senges then asks the applicant if they would like to retain professional help to represent them and they agree that it would be in their best interest.

Mrs. Walters, Esq. also explained to the applicant that the survey that was provided as part of their testimony shows that their fence extends into the property of their neighbor. The applicant explained that they had previously appeared in court over this same issue and in sworn testimony agreed that when they moved or sold the property they would agree to give her that area back. Mrs. Walters, Esq. asked for a copy of the document stating this arrangement to be forwarded to the Zoning Board.

The applicant then requests a continuance for April 14, 2016 and asks that the action date be extended to June 30, 2016. Mr. Cupersmith makes a motion to adjourn until April 14, 2016 and to extend the action date until June 30, 2016 without any further notice or notification; motion seconded by Mr. Willard. Motion carried by assenting voice vote.

#### PUBLIC PORTION

Mr. Senges opens the public portion. Seeing no public comment, Mr. Senges closes the public portion.

Mr. Willard makes a motion to adjourn the meeting; Mr. Cupersmith seconds the motion. Motion carried by the assenting voice vote by all board members.

Meeting Adjourned.

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Kendralyn Cornwall  
Zoning Board Secretary

