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. Brocco, Mr. Senges

Absent: Mr. Lee Cohen, Mr. Manny Leoncio, Mr. Cupersmith, Mr. Patton

Also, present, Mrs. CherylLynn Walters, Board Solicitor and Corrine Tarcelli, Zoning Board Secretary

**APPROVAL OF MINUTES**

Mr. Willard motioned to approve the minutes from May 25, 2017; seconded by Mr.

Daddario. Motion carried by the assenting voice vote by all board members.

**MEMORIALIZATION OF RESOLUTIONS**

Andrew and Kira McKiernan

2 Signal Hill Drive

Block 229.14, Lot 14

Resolution No. 17-16

Robert Hohenstein and Caitlin Gray

999 Hudson Avenue

Block 150.13, Lot 16

Resolution No. 17-17

Jennifer Frankel

3 Ridgeview Court

Block 202.26, Lot 6.10

Resolution No. 17-18

**CORRESPONDENCE**

**Safety In Groups**

2515 Evesham Avenue

Block 207, Lot 4.18

Case #ZC2017-007

Correspondence received from Hangley, Aronchick, Segal, Pudlin and Schiller requesting an additional one year extension pursuant to the Zoning Board’s Resolution #16-015 from June 30, 2017 to June 30, 2018.

The applicant received Use Variance approval in order to construct up to three group homes for developmentally disabled adults and ancillary stand-alone recreation building for use solely by the residents of the group home and their guests within the Main Street Complex on June 9, 2011, as forth in Resolution 11-017, adopted on June 23, 2011.

On March 24, 2016, the Zoning Board granted a one-year extension of the approvals as permitted by Section 52 of the Municipal Land Use Law. That approval was memorialized in Resolution No. 16-015, adopted on April 14, 2016.

Mr. Richard J. Goldstein, Esquire, legal representation for the corporate applicant requested a one-year extension of the Use Variance due to unrelated unforeseen circumstances resulting in their inability to raise the necessary funds.

Mr. Eric Boory, corporate applicant was sworn in to testify under oath and confirmed the situation as explained by Mr. Goldstein and confirmed further the applicant’s intent is to commence construction of the project within the ensuing one year period.

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

Mr. Weil made a motion to approve the application for a one-year extension of the Use Variance, Amended General Development Plan and Preliminary and Final Major Site Plan Approvals; seconded by Mr. Willard.

Ayes: Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Troy Brocco, Mr. Jeff Senges.

**Animal Welfare Association**

509 Centennial Blvd.

Block 207, Lot 11

Case #ZC2017-018

Correspondence received from Morgan Law LLC requesting a one-year extension of the preliminary major site plan approval for Phases II and III in accordance with N.J.S.A. 40:55D-59(c). Phase II includes an expansion of the existing animal shelter and demolition of the existing clinic and Phase III includes a second story addition to the animal clinic building approved pursuant to Phase I. On August 23, 2012, the applicant received preliminary and final major site plan approval for Phase I, and preliminary major site plan approval for Phases II and III, relating to the applicant’s expansion of the existing no-kill animal shelter to include additional shelter, clinic and office space, as set forth in Resolution No. 12-23 adopted by the Board on September 12, 2012.

Kenneth M. Morgan, Esquire, applicant’s attorney, indicated the applicant originally asked for one year extension of the preliminary major site plan approval granted for Phases II and III of the applicant’s expansion project, but revised its application to request the Board consider granting two, one-year extensions. Mr. Morgan indicated the effort to move forward to obtain final major site plan approval for Phases II and III had been delayed due to fundraising issues. The applicant is now prepared to engage in a long-term fundraising campaign and intendeds to return to the Board for final major site plan approval for Phases I and III within the next nine to twelve months.

The extension was granted for two one-year periods or a total of two years from June 30, 2016.

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

Mr. Weil made a motion to approve the application for two one-year extensions of the preliminary major site plan approvals granted for Phase II and Phase II of the applicant’s expansion project; seconded by Mr. Willard.

Ayes: Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Troy Brocco, Mr. Jeff Senges.

Nays: None

**NEW BUSINESS:**

Ari Weiss and Melissa Murray

93 Kresson-Gibbsboro Road

Block 206, Lot 10

Case #ZC2017-010

Seeking Bulk Variance relief from Section 152.005(D)(3) of the ULDO to permit the construction of a 12’x30’ detached garage with a side-yard setback of 8.3 feet where 30 feet is required. Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Ari Weiss and Ms. Melissa Murray, Applicants, were sworn-in to testify.

Mr. Weiss indicated they purchased the home three months ago and a septic system was placed in the back yard prior to the purchase. They have a nominal lot size and would like to place a one car garage on the right hand side of the property which would require a Variance. The dimensions for the one-car garage are deeper than normal however, only one car will fit in the garage. The additional space would allow for a lawnmower, tools, additional yard equipment, etc.

If they were to place the garage on the left hand side of the home it would block the four windows along the same side of the home and they would have to remove a significant number of trees. To the right of the property is at least 150 feet of woods between them and their neighbors so the garage is not visible from the neighbor’s home. Mr. Weiss submitted additional photos that were marked collectively as Exhibit A-1.

Mr. Senges and Mr. Brocco both commented on how nice the property looks given the work they’ve done since they purchased the home.

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

Mr. Weil made a motion to approve relief from Section 152.005(D)(3) of the ULDO to permit the construction of a 12’x30’ detached garage with a side-yard setback of 8.3 feet where 30 feet is required. Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals; seconded by Mr. Willard.

Ayes: Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Troy Brocco, Mr. Jeff Senges.

Nays: None

Luke and Gwenn Bee

2 Carlton Lane

Block 213.04, Lot 1

Case #ZC2017-011

Seeking Bulk Variance relief from Section 150.13(A)(6) and 152.015(D)(1)(a) of the ULDO to permit the shed with roof deck to remain with a rear-yard setback of 2 feet where 15 feet is required and with a front-yard setback of 37 feet where 50 feet is required from a County Road (Cooper Road). Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Luke Bee and Mrs. Gwenn Bee, Applicants, were sworn-in to testify.

 Mr. Bee indicated they came before the Board many years ago seeking a Setback Variance for a built-in pool. The Variance was granted. A couple of years later they built the shed. Mr. Senges questioned why would the Bees not seek a Variance or apply for a Zoning Permit for the shed since they had applied for one for the built-in pool. The Bees indicated they were not aware they needed a Variance for the shed. They also indicated where the shed was placed is the only place on the property that provided enough space for the shed. The shed houses equipment necessary to maintain the pool.

 CherylLynn Waters indicated since there is a rooftop deck with railings as well as steps that the shed is now an Accessory Use building which would require a 15 foot setback as opposed to a shed which only requires a five-foot setback. The Bees indicated the railings are simply decorative and they do not use the rooftop as a seating area. The Bees were questioned as to whether or not they would be willing to amend the application and remove the railings as well as the steps to meet the five-foot setback.

 Mr. and Mrs. Bee indicated this situation came to their attention when they went under Contract to sell their home. Initially they were going to remove the shed before selling the home. However, the home sold very quickly and the buyers requested they keep the shed.

Mr. and Mrs. Bee agreed to remove the railings as well as the stairs. Mrs. Waters requested they send a Certified Letter Return Receipt Requested to the buyers informing them at no point in time can the shed be converted back to an Accessory Use building and the buyers cannot place either railings or stairs on the shed. Mrs. Waters also indicated Mr. and Mrs. Bee must submit proof of delivery of the letter prior to their settlement date of July 6, 2017. Mr. Senges also suggested the Zoning Official place same on the Certificate of Conformance. Mr. and Mrs. Bee agreed to the aforementioned conditions.

 Additional photographs were submitted as Exhibit A-1.

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

Mr. Weil made a motion to approve relief from Section 150.13(A)(6) and 152.015(D)(1)(a) of the ULDO to permit the shed with roof deck to remain with a rear-yard setback of 2 feet where 5 feet is required and with a front-yard setback of 37 feet where 50 feet is required from a County Road (Cooper Road). Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals; seconded by Mr. Willard.

Ayes: Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Troy Brocco, Mr. Jeff Senges.

Nays: None

There was a five minute recess. Mr. Senges left the meeting. Mr. Willard motioned to appoint Mr. Weil as Acting Chairman; seconded by Mr. Daddario.

Ayes: Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Troy Brocco

Nays: None

Sherwood Forrest Homes, LLC

126 South Burnt Mill Road

Block 22, Lot 15

Case #ZC2017-009

Seeking Bulk Variance relief from Sections 152.015(B)(2) and 152.015(A)(2) of the ULDO to permit the construction of a new single family dwelling on a lot with lot frontage of 90 feet  (94.79 feet measured at front setback line) where 100 feet is required and with a minimum lot size of 14, 592.6 sf where 15, 000 sf is required.  Also request any other relief as may be deemed necessary by the board and/or its professionals.

 Mr. Michael Jaffe, Owner of Sherwood Forrest Homes, LLC and Joseph Hassab, Property Owner, were sworn-in to testify.

 Mr. Joseph Bennie, Esquire of Bennie & Bennie, P.C. indicated that Mr. Hassab acquired the lot located at 126 South Burnt Mill Road in 2014. Mr. Joffe is the Contract purchaser of the property. Initially they were seeking permission from the Board to build the home front facing Burnt Mill Road. However, they reviewed the plans and would like to seek permission to have the front of the home face Homer Avenue. Mrs. CherylLynn Waters indicated they cannot change their request without the proper documentation and revised drawings submitted to reflect the change. She suggested the Board move forward with the case as is to satisfy their immediate needs. She indicated if they decide to want to change the location of the home to apply for the necessary Zoning Permit and submit revised drawings reflecting the change. Mr. Bennie, Mr. Jaffe, and Mr. Hassab agreed.

 Mr. Joffe testified the house is a Colonial style home, Chelsea Model, three bedrooms, two and a half baths, gas, central air-conditioning, one-car garage with a driveway that will fit additional vehicles if necessary. He also indicated this home would be perfect for a first time homebuyer. The color and the style of the home will blend in nicely with the neighborhood.

 He indicated should they decide to transition with the front of the home facing Homer it would not be difficult to make the shift. The garage can be easily shifted to the other side of the home.

 Mrs. Waters indicated there was a change in Zoning in 1999 and was rendered non-conforming. Therefore, it would have to be demonstrated the lot was isolated and not part of a larger piece of property that was subdivided at some point in time. Mr. Bennie indicated National Title records did not go back far enough in time. He reviewed the tax map as far back as it allows and they did establish a criteria that this is an isolated lot given the fact the lot was the same size at that time. Mrs. Waters researched the neighboring lot and indicated the neighboring apartments, Burnt Mill Arms were constructed in the late 1950’s early 60’s and therefore concluded the isolated burden had been met. It was also determined the lot has been existing as a single lot for a very long period of time. Mrs. Waters also indicated if the Variances weren’t granted it would force the Township to purchase the property.

Mr. Weil questioned Mr. Hassab as to whether or not the property was advertised, listed for sale and offered to the neighboring property owners. Mr. Hassab did in fact market the property, it was advertised for sale. A for sale sign was placed on the property and neither the neighbors nor Burnt Mill Arms expressed an interest in purchasing the lot.

The Board did encourage Sherwood Forrest Homes to resubmit the plans with the front of the home facing Homer Avenue.

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

Mr. Willard made a motion to approve relief from Seeking Bulk Variance relief from Sections 152.015(B)(2) and 152.015(A)(2) of the ULDO to permit the construction of a new single family dwelling on a lot with lot frontage of 90 feet  (94.79 feet measured at front setback line) where 100 feet is required and with a minimum lot size of 14, 592.6 sf where 15, 000 sf is required.  Also request any other relief as may be deemed necessary by the board and/or its professionals; seconded by Mr. Daddario

Ayes: Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Troy Brocco, Mr. Jeff Senges.

Nays: None

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

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 Corrine Tarcelli

 Zoning Board Secretary