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. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Brocco, Mr. Cupersmith.

Absent: Mr. Senges

Also, present, Mrs. CherylLynn Walters, Board Solicitor, Ben Matlack, PE, CME, CFM, Board Engineer, Corrine Tarcelli, Zoning Board Secretary

**RESOLUTIONS FOR APPROVAL**

Mr. Weil motioned to approve the Resolution appointing John Palm, Esquire to perform all nature of legal services as may be required by the Voorhees Township Zoning Board for the year 2018 as Zoning Board Conflict Solicitor; seconded by Mr. Cohen; none (0) against.

Mr. Cupersmith motioned to approve the Resolution for Case #ZC2018-007, Donna McCart and Robert Sheeks, presented before the Board on June 14, 2018; seconded by Mr. Weil; none (0) against.

Mr. Weil motioned to approve the Resolution for Case #ZC2017-007, Safety in Groups, presented before the Board on June 14, 2018; seconded by Mr. Willard; none (0) against.

Mr. Weil motioned to approve the Resolution for Case #ZC2018-003, Sturbridge Lakes Association, presented before the Board on June 14, 2018; seconded by Mr. Willard; none (0) against. Mr. Cohen and Mr. Brocco abstained.

**NEW BUSINESS**

**Edward K. DiBiase**

243 Jefferson Avenue

Block 287, Lot 3

Case #ZC2018-011

Seeking Bulk Variance relief from Section 150.13(A)(7)(d) and (e), Section 152.005(D)(2)(b) and 152.005(D)(3) of the ULDO to permit the 16’x22’ (352 square feet) storage shed to remain with a rear-yard setback of 12.75 feet where 30 feet is required, with a side-yard setback of 22.08 feet where 30 feet is required, and where the maximum size permitted is 200 square feet. Also seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. DiBiase was sworn in to testify. Mr. DiBiase stated he recently purchased the property located at 243 Jefferson Avenue. The property is located in the RR (Rural Residential) Zone. Mr. DiBiase produced seven photographs of the existing shed. The shed was on the property when he purchased it. He indicated his realtor advised that the Township allowed the sale of the home but was holding $5,000.00 from the Seller’s proceeds in escrow to pay for the bulk variance application so the applicant does not have to expend any of his own money. Mr. DiBiase further testified that the shed is located on a concrete slab. He indicated if he attempted to move the shed to another location, he would have to break up the concrete slab.

Matthew Maugeri, the applicant’s neighbor residing at 233 Jefferson Avenue, testified under oath in support of the application. He testified the property is located on a dead end street that borders West Berlin. He indicated that the property located behind the existing shed is a vacant wooded area and that he supports the variance application on behalf of the applicant.

In response to questions from the Board regarding hardship, the applicant advised that being required to move the shed to another location on the Subject Property would create undue hardship as he would have to remove trees and the concrete shed foundation. Additionally, he advised that the home does not have an existing garage and the basement takes on water, therefore he needs the shed to store pool supplies, his riding lawn mower and other yard supplies as well as outside furniture.

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)(7)(d) and (e), Section 152.005(D)(2)(b) and 152.005(D)(3) of the ULDO to permit the 16’x22’ (352 square feet) storage shed to remain with a rear-yard setback of 12.75 feet where 30 feet is required, with a side-yard setback of 22.08 feet where 30 feet is required, and where the maximum size permitted is 200 square feet; seconded by Mr. Willard.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Brocco, Mr. Cupersmith.

Nays: None

**April and William Sample**

62 Tenby Chase Drive

Block 229.23, Lot 16

Case #ZC2018-014

Seeking Bulk Variance relief from Section 150.13(7)(a) to allow the shed to remain in the side-yard area where only permitted in the rear-yard; from Section 152.015 (D)(3) and the grading ordinance to allow side-yard setbacks of 3 feet to the hot tub, 6 feet and 13 feet to the pool decking, and 10 feet to the pool where 15 feet is required; from Section 150.13(A)(1) to allow accessory structures/uses to occupy 40.2% of the rear-yard where no more than 25% is permitted; from Section 150.12(B)(1) to allow grading within 5 feet of the side property lines and to allow the construction of retaining walls and side-yard setbacks of 3 feet and 4 feet, a walkway with a side-yard setback of 3 feet and installation of pool equipment with a side-yard setback of 2 feet wherein no event shall grading, alteration or construction be permitted within 5 feet of a side or rear property line. Also seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mrs. Sample was sworn in to testify. She stated when they submitted a zoning permit application for their pool, that’s when they were made aware of the fact that they needed a permit for the shed that they had already placed on the side yard of the property. They were not aware they would need a permit for the shed. They would like to keep the shed and install a pool as well as a hot tub. Regarding the shed, they have five children and need the extra space for storage. The pool and the hot tub is for enjoyment for the family and therapeutic for her husband since he is a retired firefighter.

They have an odd-shaped lot, shaped like a slice of pizza. The size and the shape of the lot presents a hardship. The neighbor’s lots are much larger than theirs. They have lived there three years and when they moved in they didn’t think about getting a pool until after the fact. They also needed a shed for storage. The shed was placed on the side yard and is hidden by large existing trees. Mrs. Sample planted additional Laurels around the shed and stated the shed cannot be seen from the street and it is not an eye sore. Mrs. Sample further stated regarding the pool, there will not be any lighting and they may have to remove one, possibly two trees for the drainage. However, they intend to replace the trees in a different location. There is an infiltration trench and retaining walls for proper drainage. The pool is higher than grade therefore the design includes an infiltration trench for run off to the collective pit in the back so water will not be diverted onto other properties. Mrs. Sample further indicated the lot next door to the left has a pool and a hot tub in the same layout, however, they have a double lot. Behind their property there’s approximately five or ten feet of trees then a pool in front of the trees. They are planning on making the playground smaller.

Mr. Cupersmith inquired as to whether or not they could make the pool smaller. Mrs. Sample stated they have to accommodate a diving board for their 21 year old son, therefore, the pool has to remain the same size as shown. Mrs. Walters indicated that per the code the water area of the swimming pool is not impervious. The only concern is the pool as well as the retaining walls are so close to the property lines.

Mr. Matlack indicated the grading plan is showing retaining walls, top of wall, bottom of wall whereas the Applicant is stating what is shown are the actual trenches. Therefore there is a discrepancy on the grading plan.

Mrs. Walters stated the Applicant is proposing to take up 52% of the rear yard between the pool, hot tub, pool equipment, and retaining walls where 25% is permitted. She inquired as to whether or not the hot tub can be relocated. If the Board were to grant approval for variances they would be setting a precedence. Additionally, it’s difficult for the Board to grant this number of variances. Mrs. Sample indicated if they were to move the hot tub, there would be no room for the swing set. She further stated it’s possible to take the decking back to three feet as opposed to four feet.

Mr. Cupersmith stated the Board would feel more comfortable if the Applicant were to appear with their expert engineer as well as a representative from the pool company and further recommended that their engineer contact Mr. Matlack directly. Mrs. Walters further stated the Board looks for ways to reduce and mitigate this number of variances and requested Mr. and Mrs. Sample meet with their engineer to determine whether or not they can reduce the number of variances requested.

The Board requested that Mr. and Mrs. Sample carry their application to the following meeting. They also requested their engineer as well as a representative from the pool company attend the meeting to testify on their behalf. They would like their engineer present so he can answer any questions Mr. Matlack may have. Mr. and Mrs. Sample agreed.

Mr. Cupersmith made a motion to carry the application to the next meeting scheduled to take place on July 12th; seconded by Mr. Weil. Mrs. Walters stated the Motion will act as Notice, and therefore the Applicant will not have to re-notice.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Brocco, Mr. Cupersmith

Nays: None

**Michelle Nocito and Jason Gonter**

38 Simsbury Drive

Block 304.12, Lot 5

Case #ZC2018-012

Seeking Bulk Variance relief from Section 152.04(B)(1), of the ULDO to permit the 4.5 foot high aluminum fence to remain construct forward of the rear corners of the dwelling where only a 4 foot high fence is permitted; and from Section 150.13(A)(6) to allow the pool pavers to be constructed with a rear-yard setback of 13 feet where 15 feet is required. Also seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Michelle Nocito was sworn in to testify. Ms. Nocito stated there is a pool in the back yard and the 4.5 foot fence was recommended for safety to keep her children in the back yard and to keep other children out of the backyard. The latch on the fence is higher because the fence is higher and therefore would be more difficult for a child to reach. The fence was also installed forward of the rear corner of the home to cover basement windows of the house. She stated her previous home was broken into through the basement windows and therefore feels safer with the windows enclosed behind the fence.

Ms. Nocito further stated the back yard pool was originally constructed with coping as a barrier between the grass and the pool area. However, the coping became compromised and broke due to lawn maintenance. Therefore, they installed a two foot paver walkway around the pool for safety concerns with the children and pets that might be injured by broken coping.

Ms. Nocito stated there was no negative impact on their neighbors or surrounding properties as a result of these conditions.

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

Mr. Cohen made a motion to approve relief from Section 152.04(B)(1), of the ULDO to permit the 4.5 foot high aluminum fence to remain construct forward of the rear corners of the dwelling where only a 4 foot high fence is permitted; and from Section 150.13(A)(6) to allow the pool pavers to be constructed with a rear-yard setback of 13 feet where 15 feet is required; seconded by Mr. Willard.

Ayes: Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Brocco, Mr. Cupersmith.

Nays: None

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

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Corrine Tarcelli

Zoning Board Secretary