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. Leoncio, Mr. Cupersmith

Absent: Mr. Cohen, Mr. Daddario, Mr. Brocco, Mr. Senges

Also, present, Mr. Stuart Platt, Board Solicitor, Ben Matlack, PE, CME, CFM, Board Engineer, Corrine Tarcelli, Zoning Board Secretary

**RESOLUTIONS FOR APPROVAL**

Mr. Weil motioned to approve the Resolution for Case #ZC2018-011, Edward DiBiase, presented before the Board on June 28, 2018; seconded by Mr. Willard; none (0) against.

Mr. Willard motioned to approve the Resolution for Case #ZC2018-012, Michelle Nocito and Jason Gonter, presented before the Board on June 28, 2018; seconded by Mr. Leoncio; none (0) against, Mr. Weil abstained.

**OLD BUSINESS**

**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 47.8% 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.

Mr. Matlack stated a few things changed, the side setback is now five feet to the hot tub instead of three feet, 6.5 feet for the pool decking, the retaining wall setbacks are more than five feet. The concrete walkway is also more than five feet. The pool equipment is still two feet where there is a five foot set back minimum. The retaining wall has been eliminated completely in terms of variances. Mr. Platt stated this application commenced on June 28, 2018, at that time, Mr. and Mrs. Sample were sworn in. Primarily there was a request that you provide information to demonstrate that the amount and type of accessory structures would not result in any type of drainage or flooding. Some of the variances that were previously required are no longer required.

James Maccariella, 38 Country Squire, Lane, Marlton, was sworn in to testify. Mr. Maccariella is a licensed professional in the State of New Jersey. Mr. Brian Hull, 14 Morning Glory Circle, Mullica Hill, NJ was sworn in to testify. Mr. Hull represents Del-Val Pools.

Mr. Maccariella, has a Bachelor’s of Science in Civil Engineering, Bachelor’s of Science in Architectural Engineering, Master’s of Science in Civil Engineering all from Drexel University. He has a PhD from Old Dominion University. He has been licensed since 1992 in the State of New Jersey and ran the Bridge Department from Urban Engineers. He now owns his own firm. He has been qualified by other Boards in the State of New Jersey. Mr. Maccariella was qualified as a licensed and professional by Mr. Platt.

Mrs. Sample produced an updated plan as well as additional pictures. Mr. Platt marked four photographs as Exhibit A-1 through Exhibit A-4. A pool grading plan as Exhibit A-5, Lot Coverage Plan as Exhibit A-6.

Mrs. Sample stated they took some of the comments from the last meeting and made quite a few concessions. The removed the walkway on the left side of the property completely. They chose a smaller hot tub, 8x8 as opposed to a 10x10 so that way it’s not within five feet of the property line. They reduced the size of the concrete around the pool from 1,500 square feet to 1,350 square feet. The infiltration trench was moved three feet inwards. The trench is still located in the back corner of the lot. However, it’s not on the property line. They reduced the setback on the right hand side. They were able to keep the trees along the property line. When Mr. and Mrs. Sample met with Mr. Maccariella at the property, Mr. Maccariella suggested it would be easier to do a small landscape wall in front of the pool and that way they would not need any type of retaining walls on the side. There is a six foot wooden fence already in place. The fence was approved by the Homeowner’s Association and permits were pulled through the Zoning Department.

Mr. Platt marked a document prepared by Mr. Maccariella entitled Stormwater Quality Design as Exhibit A-7.

Mr. Platt requested Mr. Maccariella discuss the change in the grading from the original plan to this plan. Mr. Maccariella stated the lot is shaped like a slice of pizza and everything slopes towards the back of the property. Initially, they designed the pool up higher which is what required the retaining walls on the side. Now when you exit the rear of the home, there is going to be a 20-inch high landscape wall so you can step down. Therefore, the entire back yard will remain the same grade and won’t change the grade or drainage. There’s also an infiltration trench for the 10 year storm event so that no water will leave the property. It will all go into the infiltration trench which is a standard detail adopted by the State of New Jersey. Mr. Matlack inquired as to whether or not there are any buildings or structures on neighboring properties in the vicinity of the infiltration trench. Mr. Maccariella stated there are properties on the adjacent lot but not anywhere near the infiltration trench. He further stated the lowest point of this yard and the adjacent lot is that of the infiltration trench. Everyone’s rain will drain there.

Mr. Platt inquired as to whether or not it is Mr. Maccariella’s professional opinion that if the Board were to grant approval for the structures indicated, especially on the variance for the back yard coverage, that there would be no substantial detriment to the public good. One of which draining of water, as a result of the landscape wall and infiltration trench, that there will not be a drainage or flooding problem. Mr. Maccariella stated there will not be any detriment whatsoever as a result of this project. The runoff will be much better. Right now there is standing water from everyone’s property draining into the same area. When the project is complete, there will be a three foot deep by 130 square foot where all of the water is going to drain.

Mr. Matlack stated he agreed with the testimony given by Mr. Maccariella.

Mr. Cupersmith stated the Board would like to address the shed as well as the pool equipment and inquired as to whether or not the pool equipment can be moved. Mrs. Sample stated there are trees along the property line so we had to move it in closer to the house. Mr. Platt stated the whole idea of variances is to show hardship which you have done with the unique shape of the property. Additionally the Applicant also has to demonstrate that what they are doing is not going to result in a negative impact to the neighbors. One of the things with pool equipment is it cannot inconvenience your neighbor for the convenience of what the Applicant prefers. Placing the equipment away from the pool so it’s not bothering the Applicant it now becomes the neighbor’s problem in that they have to hear it. If there is going to be a pool then the Applicant should be inconvenienced, not the neighbor. Mr. Platt stated the pool equipment can be moved and placed in between the pool and the house or the pool and the deck. Mr. Sample stated they chose the corner because that corner is on the side of neighbor’s house where their garage is located and furthest from their sleeping quarters. The opposite corner is closest to that neighbor’s sleeping quarters. Mr. Hull stated there would be a grading issue if they were to place the equipment in between the deck and pool. He stated where it is currently located on the plan is the best spot due to the trees. Additionally the area is flat and there is a straight line from the pool to the equipment, it’s cleaner and has a better grade.

Mr. Cupersmith questioned whether or not the play equipment could be reduced. Mrs. Sample stated they have reduced the size of the playground. Mr. Cupersmith also asked whether or not the shed can be pushed back since it is in violation. Mrs. Sample stated the pictures from the street show that you cannot see the shed from the street since it is camouflaged within very tall mature trees. Additionally they purchased mature Laurels to plant around the shed so it’s covered all the way around and wouldn’t be an eyesore to any of the neighbors. They do need the extra space. Mr. Platt stated the challenge is sheds are not allowed in the front yard nor are sheds allowed in the side yard. The Applicant’s shed is almost next to the front building line of their home. The question for the Board is whether or not the shed is a detriment to the neighbors. It’s out of character for the neighborhood and the Board does not want to set a precedence. Mrs. Sample stated she hopes the Board sees that they really do have a hardship and that they’ve done everything they could do.

Mr. Weil inquired as to how long the shed has been there. Mrs. Sample stated two years. Initially they did not realize it was a problem until they applied for the variance for the pool. At that time they were informed the shed was not in compliance and included it in the same application. Mr. Sample stated the shed can be moved however, where to move it to is an issue. Additionally, where it is now, there are trees all around it and it’s camouflaged and you can barely see it. It’s basically hidden amongst the trees. If it were to be moved, it would be much more noticeable.

With no further comments from the Applicants or their professionals, the meeting was opened to the public. Seeing no one, the public portion was closed.

Mr. Weil made a motion to approve the application as read and amended by Mr. Matlack and Mr. Platt; seconded by Mr. Willard.

Ayes: Mr. Weil, Mr. Willard, Mr. Leoncio, Mr. Cupersmith.

Nays: None

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

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Corrine Tarcelli

Zoning Board Secretary