

The Chairman called the meeting via zoom 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. Pannu, Mr. Cupersmith, Mr. Senges.

Absent: None.

Also, present: Chris Norman, Board Solicitor, Ben Matlack, Board Engineer, Stella R. Sytnik, Zoning Board Secretary.

MINUTES FOR APPROVAL

Mr. Weil motioned to approve the Minutes from the February 13 Zoning Board meeting; seconded by Mr. Cupersmith; none (0) against; Mr. Pannu abstained.

RESOLUTIONS FOR APPROVAL

Mr. Weil motioned to approve **RESOLUTON NO. 20-2011** seconded by Mr. Cupersmith; none (0) against.

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

Nays: None.

Abstention: Mr. Pannu.

NEW BUSINESS

Brian & Megan Margolis

16 Golf View Drive
Block 139, Lot 46

Mr. Norman summarized the Application stating the Applicant is seeking relief to permit a replacement of 6’ high wood fencing in both side yards, for which no variances were previously granted.

Mr. Senges asked if Mr. Margolis was available to give an overview of what currently exists on the property, what he is trying to do and the reason.

Mr. Norman swore Mr. Margolis in before the testimony.

Mr. Margolis explained to the Board he moved here 4 years ago. They already had a 6’ fence 40’ from the street. Mr. Margolis mentioned he believes it is considered a “front” fence even though it is on the side of the property. The fence is coming down in multiple places. He and his wife want to replace it. The problem is that making it 6’ would not be a big deal, but it would be esthetically pleasing because they share the fence with their neighbors.

But the main reason for a high fence is that they have a dog. They moved here because of the privacy fence. The dog likes to chase squirrels and birds. Their fear is that because of the elevated deck, they are going to wind up having non-stop barking. They already have 6’ fence which was done in the past without prior approval.

They are asking for variance of the section on the side (considered “front”).

Mr. Senges inquired who put the fence without approval.

Mr. Margolis responded it was the previous owner who had it for many years.

The neighbor applied and was granted the variance, but the previous owner of this property never did. The Margolis' didn't apply as they did not know there was an issue.

Mr. Senges asked the Board if anyone had any questions.

Mr. Weil wanted to confirm the name of the street that shows the deck and fence. Mr. Margolis confirmed it was Golf View Street.

Mr. Senges asked about the type of the fence.

Mr. Margolis confirmed it was exactly the same fence that was there for all those years. He believes it is called "board on board" fence. Theirs is rotting and falling.

Mr. Cupersmith asked if there is space between Mr. Margolis' and their neighbor's fence.

Mr. Margolis replied they are attached. This is not the side they share, it is the front fence they both share.

Mr. Senges confirmed they want to replace the old face with a new fence of the same type and same height. The Chairman asked if there were any more questions from the Board.

Seeing no questions from the Board or the Applicant, Mr. Senges opened the floor to the public. Hearing no comments from the public, the Chairman closed the public portion.

Mr. Weil motioned to grant all the requested relief; seconded by Mr. Cupersmith.

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

Nays: None

Michael & Irina Evans

1004 Hudson Avenue

Block 136, Lot 9

Mr. Norman summarized the case stating the Applicant seeks approval for the following 3 bulk (c) variances: 1) rear-yard lot coverage (25% permitted; 52% proposed) to permit concrete decking surrounding an inground swimming pool improvement; 2) setback variances for concrete decking (15 feet required; 11.22 feet to rear property line, and 8.04 feet and 12.82 feet from two side property lines proposed); and 3) an underground water infiltration system (i.e. trench and piping) within 5 feet of two property lines (5 feet required; 2-4 feet proposed) within the rear-yard of their residential property and other variances that may be required.

Mr. Senges invited the Applicant to present his case.

Mr. Cofsky, the Applicant's Attorney, joined the meeting.

Mr. Evans, the Applicant, joined the meeting.

Mr. Cofsky presented the case stating his clients have 52% rear yard coverage while only 25% allowed, however it is not that simple. 52% really is really 38%. When the pool was first applied for to be installed, and the permit was given, the calculations were made only for the total lot coverage. There were no separate calculations for the yard.

He believes former Zoning Officer did quick calculations and while doing so, did not include water. She included shed, patio, etc. but no pool. Had she included water, it would have been 34-45% impervious coverage.

The reason he believes she did not include that is because under the Ordinance the definition of impervious surface specifically excludes water in the swimming pool. It's logical. In his

conversation with the current Zoning Officer, Jacklyn Bradley, he was reassured that they do not include water in the calculations, but they do include it in the rear yard coverage, because that's the use. Mr. Cofsky never heard about separate lot coverage calculations. Therefore, in reality, they have 35%, when they are supposed to have 25%.

The reason for reducing the impervious coverage would be either esthetics or drainage. Had the original plan was followed, they would not have been needing to put drainage. The ERI approved the original plan. Now with the additional concrete, they need to do it. New infiltration is much less than it would be if it was done in the past. Bottom line: all the problems were caused by the combo of homeowner and contractor deciding they want to do more than was allowed by the Township.

Mr. Senges expressed his concern on behalf of the entire Board stating this is the biggest problem when people put patios or additional concrete around pool and it affects neighbors. Mr. Senges expressed his way of thinking saying we have to protect surrounding properties. The Board has encountered this very issue many times before. Regardless of what needs to be done, they need to make sure there is no impact on surrounding properties.

Mr. Cofsky stated he agrees. There was a "screw up", Swim Mor got the permits and as a result, his client got into situation. They applied again for another permit for front drive so they could park their cars side by side; the grading plan was submitted for that, and that grading plan was also approved.

Mr. Senges asked to confirm whether the concrete in the back was done initially, every square inch of it.

Mr. Cofsky acknowledged that it was.

Mr. Senges requested that the Board Secretary brings this issue up with the Zoning Officer the next day about getting Swim Mor notified that this type of situation is unacceptable, and that in the future they will have a very difficult time doing business in Voorhees.

Mr. Senges referenced the Applicant's Engineer grading plan showing the distance between concrete to the side properties lines. He believes the Engineer included the total lot coverage which was much less than allowed.

Mr. Senges asked the Board and professionals what would be the least painful and most efficient solution.

Mr. Cofsky replied they are proposing an underground drainage system that can handle a 50 year storm. It has a have a very good infiltration system designed by their Engineer that will be installed if they got the approval to go ahead for it.

Mr. Senges asked Mr. Matlack, whether he had a chance to review it.

Mr. Matlack confirmed and pointed out a couple of things to consider. Rear yard coverage maximum allowed 25% which includes the water. When one calculates impervious coverage, one doesn't include water but when one calculates the back yard, one includes water. Strictly looking at the Ordinance, the backyard coverage includes structures. If you do impervious coverage calculations, per Ordinance it covers 52% which is more than double that what's allowable. When you consider that and then you consider impervious, it is 38%. The Ordinance doesn't specify impervious in the backyard. So they meet that requirement. Applicant's Engineer designed the infiltration system that collects water from their backyard and will make the infiltration a bit bigger to cover the difference between what is there now and what is allowed.

Mr. Senges asked if Mr. Matlack will be making several adjustments to the current plan.

Mr. Matlack acknowledged it won't be difficult but rather some adjustments, perhaps to the pipe.

Mr. Senges inquired how many feet of concrete there is in the rear side from the pool.

Mr. Cofsky replied about 5 feet and it varies a lot.

Mr. Norman asked if the pool had been constructed with the permit, would it still have exceeded the 25%.

Mr. Matlack confirmed it would still have exceeded but that's not how the Ordinance reads.

Mr. Cofsky confirmed they have 860 square feet of additional concrete. He added that Swim Mor submitted everything in the initial application.

Mr. Senges verified the concrete was installed by another contractor.

Mr. Cofsky confirmed, but they were subcontracted by Swim Mor.

Mr. Senges concluded that this sub-contractor was trying to make a sale, and now the owner has a responsibility. The homeowner has seen what was approved by the Township.

Mr. Evans, the Applicant was asked to speak about it.

Mr. Evans shared with the Board that in the middle of the pool project, the contractor shows up in and makes recommendations, his “selling point” being that this way the usable space would be best for the homeowners, particularly because of the slope. Mr. Evans’ wife approves. After her approval, they both went back to Swim Mor to discuss what was being done. Swim Mor assured them there was no problem.

Mr. Evans reiterated he appreciates what the Board says about homeowners’ responsibility. However, they were first time homeowners, only several years in the Township. They naively believed the pool company knew what they were doing. All the previous inspections, such as electric, plumbing went smoothly. That’s how the excess concrete came about.

Mr. Senges verified if the homeowners went back to Swim Mor.

Mr. Evans confirmed they did and told them they were not happy as the pool was constructed in 2018, and now they are going in front of the Zoning Board. The contractor loosely decided to put extra concrete. Mr. Evans added that he reminded them they had discussed the concrete situation and Swim Mor said they will be fine. Mr. Evans mentioned their contacts at Swim Mor, sales representative Bob Lane and the concrete sub-contractor Mike Boehelli.

Mr. Senges reiterated it is not the first time the Board deals with it. They are between rock and hard place. It is not the Board’s intention to make things harder for anyone. This is a very experienced Board who makes decision not just based on law, but with a sense of compassion. They are sympathetic to the homeowners who are being put in this type of position. But it is also Board’s responsibility to be conscious of neighbors’ properties.

Mr. Senges posed the question to the Applicant if he would be agreeable to all and any modifications proposed by the Zoning Board Engineer Ben Matlack.

Mr. Cofsky upon consulting with his client, confirmed that they will. Mr. Cofsky proceeded to address the Chairman and pointed out that their client has an unshaped lot, their lot is much smaller than any other lots in the vicinity, their back yard is smaller and sloped. They have Power Point presentation to show topography on how the land slopes around the pool, the only usable area they have is in front of the pool.

Mr. Senges asked if the Board members had any questions.

Mr. Leoncio posed the question about the infiltration system and where the water is going.

Mr. Matlack noted it is underground system designed to capture the water, it doesn’t spill out. It is going through the trench, there are inlets in the backyard. The water goes into the pipe within 5 feet of the property line. The client provided prep test to confirm that the soil can handle that system.

Mr. Leoncio asked about possible insects and mosquitos.

Mr. Matlack explained the water percolates into the ground. Part of the system design is that it can be cleaned out if necessary. He asked the Applicant’s Engineer to address this question.

Applicant’s Engineer James Maccariella, Jr. was sworn in by the Solicitor. Mr. Maccariella presented his qualifications.

Mr. Senges pointed out there was no need to go into details, but rather address Mr. Leoncio’s two questions.

Mr. Cofsky asked Mr. Maccariella when he first did the drainage plan for the original pool, were there any requirements to add any water infiltration system?

Mr. Maccariella answered negatively. Now they have concrete and the land itself slopes to the left corner. With this increased concrete, the water will be running out of off the borders. So they need infiltration system so the water does not go into neighboring properties.

Mr. Senges noted it was not necessary to present the design. Both engineers will work together and come up with most efficient filtration system.

To address Mr. Leoncio's question, does it make sense for some of the water to be moved from the house and onto the street?

Mr. Maccariella replied they always try to do it, but in this case, the front is higher than the back. It is not possible.

Mr. Senges asked if there were any more questions from the Board.

Mr. Leoncio wanted to clarify the height of the front slope.

Mr. Maccariella explained they would have to provide the pipe but if they put a pipe in the ground, they won't be able to drain to the front of the house.

Mr. Matlack confirmed he understands what Mr. Leoncio means but looking at the curb, there is not enough slope to get water flowing into the street and no inlets in the front, so it is not desirable or even feasible.

Mr. Maccariella confirmed there are no inlets in the vicinity.

Mr. Cofsky confirmed all the questions about insects, standing water, underground system have been addressed and there are no other issues.

Mr. Matlack added they did a test, the filtration system drains 12 times faster than what is required by the state.

Seeing no further questions from the Board or professionals, Mr. Senges opened floor to the public.

Mr. Robert Holstein at 999 Hudson Avenue was sworn in by the Solicitor.

He voiced his support. They live across the street from the property. As neighbors, he and his wife are happy to see the proud owner to make his backyard look nice.

Seeing no further comments from the public or witnesses, the Chairman closed the public portion and asked the Board to make a motion.

Mr. Weil offered to make the motion but wanted to make sure the Board Engineer's recommendations for filtration system will be followed, as well as future maintenance.

Mr. Senges asked Mr. Cofsky if his client will work with the Engineer on both items.

Mr. Cofsky acknowledged that they will.

Mr. Norman read the motion to grant the bulk variance but on sthe condition of the approval that the Applicant Engineer will work with the Board Engineer for the satisfaction of the filtration system and maintenance on a regular basis.

Mr. Weil motioned to approve the Application seconded by Mr. Willard.

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

Nays: None

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

Stella R. Sytnik
Zoning Board Secretary