

VOORHEES TOWNSHIP ZONING BOARD MINUTES**DECEMBER 17TH, 2020**

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. Cupersmith, Mr. Senges.

Absent: Mr. Daddario, Mr. Leoncio, Mr. Pannu.

Also, present: Stuart Platt, Board Solicitor, Stella R. Sytnik, Zoning Board Secretary.

MINUTES FOR APPROVAL

Mr. Weil motioned to approve the Minutes from October 22nd, 2020 Zoning Board meeting; seconded by Mr. Cohen, none (0) against; Mr. Cupersmith abstained.

RESOLUTIONS FOR APPROVAL

Mr. Weil motioned to approve **RESOLUTON NO. 20-18** seconded by Mr. Willard; none (0) against.

Ayes: Mr. Cohen, Mr. Weil, Mr. Senges.

Nays: None.

Abstentions: Mr. Cupersmith

Mr. Weil motioned to approve **RESOLUTON NO. 20-19** seconded by Mr. Willard; none (0) against.

Ayes: Mr. Cohen, Mr. Weil, Mr. Senges.

Nays: None.

Abstentions: Mr. Cupersmith

NEW BUSINESS**Tracy Elwell**

3 Tulane Avenue

Block 269.01, Lot 1

Mr. Platt summarized the Application to seek variance or other relief from the ULDO as follows:

From Section 150.13(A)(1)(a) to permit the installation of an inground pool in a front yard where accessory uses and structures are prohibited from being located in front and side yards; From Section 150.13(A)(6) to permit the decking for an inground pool to be installed at 14.2' from the rear property line where accessory uses and structures must be a minimum of 15' from the rear property line; and seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Senges called for Ms. Elwell to present her case.

Ms. Elwell was sworn in by Mr. Platt. Mr. Platt asked about prospective witnesses to confirm they will be speaking in the public section. Mr. Platt explained to the applicant testimonial protocol and turned it over to the Chairman.

Mr. Senges summarized the application confirming Ms. Elwell had previously applied and received relief for variance for the existing 6' fence and now is trying to install a pool into the confines of that backyard. He asked to explain the reason for the variance.

Ms. Elwell notified the Board she applied for the fence about 5 years ago, not long after her husband passed away. It was out of safety concerns and because of strangers cutting through her front yard. The variance was granted then, she is hoping for the same outcome tonight. She is seeking to install a pool due to hardship. While most people have a backyard, however, due to the configuration of her house being a corner lot property, she has two front yards. The contractor required the proposed setbacks for proper installation. The pool could not be properly installed within the confinements of the Ordinance. She is trying to make the best use of her space. On a personal note, she has 2 girls ages 12 and 16 who have been “cooped up” in their rooms since March, no socializing with friends. They renewed Voorhees swim club membership, but no guests are allowed so sitting by the pool by themselves defies the purpose of socializing for the girls. They have been 100% remote, even though they maintained their straight A’s and stay focused while being isolated. Ms. Elwell is an elementary school principal. She sees every day how hard it is so she’d like to have the pool installed as nobody knows what the summer will bring. She wants her daughters to have an opportunity to invite friends. Besides, she has 76 year old mom, who is very involved in their lives. The mother took the back seat to participating in their lives because Tracy works every day. She wants her mom to come and enjoy time with her grandchildren in a controlled and safe manner. She is trying to work in the dimensions of her space into the design due to the property layout being a hardship. Ms. Elwell reassured the Board there is no negative effect on neighborhood; moreover, anyone who drives by would not even know that the pool is there because of the existing fence, and there are no neighbors on the pool side.

Mr. Senges commended Ms. Elwell for her excellent presentation.

Having no questions for the Applicant, Mr. Senges turned it over to the Board for questions and/or comments.

Mr. Platt asked about timing of the color pictures of the property photographs. Ms. Elwell said they were taken some time in November of 2020.

Seeing no further questions from the Board, Mr. Senges closed the business portion of the meeting and opened the floor to the public.

Three witnesses testified on behalf of Ms. Elwell.

Ms. Kim Hughes at 7 Tulane was sworn in by Mr. Platt.

Ms. Hughes advised the Board she and her husband moved into the neighborhood 5 years ago. Ms. Elwell has an amazing property but of an odd shape. The proposed pool will not affect any neighbors, particularly with the fence. It will be a great thing for them to have a pool. She hopes Ms. Elwell gets the Board’s support.

Mr. Howard Eichenbaum at 8 Tulane was sworn in by Mr. Platt.

Mr. Eichenbaum lives directly across the street from Ms. Elwell. He was in front of the Board when she needed approval for the fence, and he supported her then. He believes it would be wonderful for her children to have a pool and supports her request now. It won’t have any impact on neighbors at all because of the fence.

Ms. Sheila Ferreri at 5 Tulane Avenue was sworn in by Mr. Platt.

Ms. Ferreri and her husband live next door. They have been living at the property for 33 years and there has never been any problem. It won’t have a negative effect. If one sees the property, one will see that directly behind Ms. Ferreri’s property is 70 Penn Road, they have the same situation with the odd shape lot, and they have a pool. It has never been a concern to Ms. Ferreri’s property. They see no reason the addition would be detrimental to any of the surrounding properties. Ms. Elwell’s property really has no sound purpose other than residency and pool. Lafayette is a nice neighborhood and there are only 5 or 6 pools, so the addition of this pool will not distract from the esthetics of the neighborhood. She fully supports the installation of the pool on Ms. Elwell’s property.

Mr. Senges asked if there was anyone else in the public who would want to speak on behalf of the Applicant. Seeing none, the Chairman brought it back to the Board for further discussion or a motion.

Mr. Cupersmith posed a question and a comment. He asked about the status of the existing shed, whether it will be removed, replaced by a bigger shed, or stay in place as is.

Ms. Elwell explained the shed has been there since she moved, and she has no intention of changing it.

Mr. Cupersmith commented about the fence asking the Applicant to try to adhere to the standards stick to the proper dimensions, as they had multiple issues with pool contractors in the past wrongly advising clients.

Mr. Senges noted this is an excellent point and something that Ms. Elwell should be aware of when working with pool contractors. Oftentimes, pool companies advise clients they can put cement around the pool and an extra foot here or there, no big difference according to them. Unfortunately, it does make a difference. The Chairman explained that if Ms. Elwell makes changes to the approved application after it has been approved by the Board, she will have to come back to ask for relief in front of the Board. They had a “parage” of applicants coming back because of improper advice of the pool companies’ representatives.

Ms. Elwell confirmed she understands the issue and will comply.

Mr. Senges asked for the motion.

Mr. Weil made a motion to grant relief to the Applicant as noted in Mr. Platt’s summary.

Mr. Cupersmith seconded the motion.

Ayes

Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Cupersmith, Mr. Senges.

Nay

None

Abstain

None

Mr. Platt congratulated Ms. Elwell and explained to her next steps and Resolution adoption process as well as 45 days public appeal process after the Notice of Decision publication.

Ms. Elwell confirmed she understands the consequences of starting the project 45 days prior to the public notice expiration.

Mr. Platt further explained Zoning Permit application process after the Zoning Board has adopted the Resolution.

Ms. Elwell acknowledged she fully understands and concurs with Mr. Platt’s legal advice.

Eric and Jennifer Blumberg

6 Antietam Road

Block 229.08, Lot 45

Mr. Platt summarized the Application for relief for a variance from the ULDO as follows: From Section 150.13(A)(7)(d) and 152.015(D)(3)(d) to permit a 200 SF shed to be installed at 10’ from the side property line where sheds exceeding 150 SF in area are required to meet the setback requirements of the principle structure which, in this case, would require a minimum side yard setback of 15’5””; and seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Eric Blumberg was sworn in by Mr. Platt.

Mr. Senges acknowledged Mr. Blumberg had submitted a very well documented Application with pictures and diagrams, and description of the project. Mr. Senges noted that the Applicant now needs to explain to the Board his reason for asking for a relief from the Ordinance.

Mr. Blumberg stated they are looking for a variance to permit 10' setback instead of 15' setback. In these times, he and his wife call it a "pandemic" deck. Both he and his wife work at home, he is on video chat with 10-12 people 24/7, so is she. Their children ages 7 and 9 are at home. There are open floor plans all over the house, it is very hard. Kids get done at 1:30PM. He feels they are lucky they are on the lake; however, unfortunately most houses with lakes do not have basements. The ability to create the separation and give the kids space is very limited. Like many others in the times of pandemic, they decided to put a shed. They talked to neighbors. They have a good 8 x10 shed now, so after talking to the neighbors, they decided instead of putting a second shed, they will remove the one they have and will put a larger shed, which is basically two sheds under one roof – a utility shed and a working space. They are not touching any trees. They make sure the shed will not block the lake view. They have a letter of approval from neighbors from both sides. They very carefully designed and placed the shed, so that it won't have any negative visual effect. That is why they included computer rendering.

Mr. Senges acknowledged it is a very well designed and positioned structure.

Mr. Senges further summarized the Application by stating there is no basement, and the couple needs storage and ability to separate kids and adults, and since they both work from home, in order to allow more effective working environment and get the job done, they need additional space. They have neighbors' support, and the property does not back up to anything but a lake. Based on a design, it looks like a well-planned small home, apparently, they are investing money into this project.

Mr. Senges asked Mr. Blumberg if there was anything else he wanted to add.

Mr. Blumberg added that one of the main reasons for the setback variance is the fact that the extra 5ft setback would start degrading the view and the shed will block the lake view.

Mr. Senges pointed out the trees will not be disturbed, and it is ecologically important for the area.

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

Mr. Cohen asked about art studio and whether they will require electricity.

Mr. Blumberg confirmed yes, he does sculpture and painting so it is likely they will need electricity. He added if they do, they will apply for electrical permit. They will not require plumbing but perhaps a portable AC. They will obtain all necessary township permits.

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

Seeing no one in the public, Mr. Senges turned it over back to the Board for a discussion or a Motion.

The Motion was made by Mr. Cupersmith to approve the Application as outlined by the Board Attorney and seconded by Mr. Willard.

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

Nays: None.

Abstain: None

Mr. Platt asked the Applicant if he obtained the approval from HOA.

Mr. Blumberg confirmed that he did.

Mr. Platt asked if Mr. Blumberg heard his instructions about the 45 days appeal pertaining to the first Applicant and if he needs to repeat it for Mr. Blumberg.

Mr. Blumberg noted it won't be necessary as he heard the instructions and has no questions.

Mr. Platt asked if there is anything else the Board would need to discuss.

Mr. Willard mentioned he had to recuse himself for the Scholl's case and therefore probably should not have voted on the Resolution today.

Upon confirmation with Ms. Sytnik that it was the case, Mr. Platt indicated Mr. Willard should have abstained.

Mr. Senges addressed all by saying it is the last meeting of the year 2020. He expressed his gratitude to all Board members for their professionalism and dedication. He is very proud to be the Chairman of this Board. He further thanked Mr. Platt and his office for the outstanding support and guidance in oftentimes challenging situations. He thanked Ms. Sytnik for her guidance and assistance and noted they have not missed a step throughout the entire year; he further thanked Ms. Sytnik for taking a couple of steps forward with initiatives.

Mr. Platt advised the Board on the status of Chakrabarti Foundation case. They won the first round, it is on appeal now, they do not have a court date. They will talk more about it in the January 7th reorg meeting. Future meetings will be in the zoom format until further notice.

Mr. Platt thanked members of the Board for their service. He added he believes this Board is by far one of the most professional and competent boards in the county and in the entire state. Ms. Sytnik has been a great addition.

Mr. Cupersmith commented on the great job of the Chairman Senges, Mr. Platt's law firm,s and Ms. Sytnik.

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

Stella R. Sytnik