

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. Cupersmith, Mr. Senges, Mr. Pannu, Ms. Tulman.

Absent: None

Also, present: Chris Norman, Board Solicitor; Stella Sytnik, Zoning Board Secretary.

RESOLUTIONS FOR APPROVAL

Mr. Cupersmith motioned to approve the **RESOLUTION NO. 21-10** Good Starts LLC, 2 Eastwood Court, Block 230.17, Lot 11; seconded by Mr. Willard; none (0) against:

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

Abstain: Mr. Cohen. Mr. Pannu

Nays: None

Mr. Cupersmith motioned to approve the **RESOLUTION NO. 21-11** Dr. Rear 3 Alton Avenue, Block 206, Lot 8.02; seconded by Mr. Willard; none (0) against:

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

Abstain: Mr. Cohen, Mr. Leoncio, Mr. Pannu

Nays: None

MINUTES FOR APPROVAL

Mr. Weil motioned to approve the Minutes from the January 21st meeting; seconded by Mr. Willard; two (2) abstentions; none (0) against.

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

Abstain: Mr. Cohen, Mr. Pannu

Nays: None

NEW BUSINESS

Mr. Viral Shah

801 Mercer Ave
Block 133, Lot 1.01

Mr. Norman summarized the application stating the applicant is seeking relief for a variance or other relief from the ULDO as follows: from Section 150.14(B)(1)(b) where fences not exceeding 6’ in height are only permitted in the rear yard of an interior lot and 6’ high fencing is proposed to be located in the secondary front yard; from Section 150.14(B)(2)(a), where fences shall not be erected in a front yard, and the proposed 6’ high fencing would be located in the secondary front yard; 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 invited the applicant to join the meeting.

Mr. Norman swore in Mr. Viral Shah, the Applicant residing at 801 Mercer Avenue.

Mr. Shar presented his case stating he needs to build 6 ft fence because of safety of his future children and heavy traffic on Somerdale Road and Mercer Avenue. His wife is expecting a baby. The fence allowed by the ordinance would not provide any safety or allow for the future activities for children. He and his wife are planning to install a patio in the future. That is why they need 25 ft setback from the house. He also believes the fence would not present any issues to neighbors.

Mr. Senges stated one thing unusual about this application as opposed to other similar applications is the fact that there is no sight triangle issue. He asked the Applicant how he came up with 25 ft setback.

Mr. Shah explained it is because it yields room for them to install a patio in the future. It would not hinder anyone's safety. It would not block anyone's view.

Mr. Senges noted usually applicants request it because they do not have a very big or usable backyard. However, this is not the case as Mr. Shah has a nicely shaped large rectangular lot.

Mr. Shah clarified he had asked for 11 ft from the front street, 25 ft from the house.

Mr. Senges pointed out they offer 11 ft setback which would yield roughly 89 ft wide backyard; total footage would be 90 x 100 sq ft backyard.

Mr. Senges added the Applicant needs to show a hardship or a need for the Board to be legally able to grant any variance. In this case, there is a preexisting condition called undue hardship, such as a corner lot property. That lends the need to the relief.

Mr. Norman confirmed this to be the case and added in general, besides the undue hardship, one could also conform to a better planning alternative than the ordinance allows.

Mr. Senges stated to be consistent, the Applicant needs to explain not why he wants but why he needs 11 ft setback.

Mr. Senges requested photographs. Mr. Shah shared some pictures of the property.

Mr. Senges asked to clarify the trees area and if they are located along the property line.

Mr. Shar confirmed the trees are 12 ft from the property line along Camden Avenue.

Mr. Senges pointed out that the trees create a visual barrier on the inside. He does not see any reason to deviate from 15 ft that they normally require from applicants. He restated the Applicant has an open and large backyard. He only needs relief from the Camden Avenue side of the property.

Mr. Senges asked if the Applicant would be willing to amend his application to request 15 ft in from the property line as opposed to 11 ft setback where 35 ft was required.

Mr. Shah responded it would be acceptable.

Mr. Senges asked the Board for any comments.

Mr. Leoncio commented this request would not be a big deal.

Mr. Norman confirmed the application can be amended.

Mr. Cupersmith asked if they should be aware of anything on the back of the property such as any homes, any potential complaints from neighbors.

Mr. Norman stated they could only gauge it from the public.

Mr. Senges opened the floor to the public.

Seeing no one willing to speak on behalf of the Applicant, the Chairman brought it back to the Board for further discussion or a motion.

Mr. Cupersmith motioned to approve the amended application seconded by Mr. Willard.

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

Nay: None

Abstentions: None

Mr. Norman explained to the Applicant the 35 days public appeal protocol. Mr. Shah confirmed he understood and thanked the Board.

Mr. Norman addressed Mr. Shah wife's question regarding front lot properties. He explained the issue of a reverse frontage lots. It has two (2) front yards and two (2) front corners. This type of applications is dealt with a case-by-case basis.

Following the hearing, the Board held an executive session discussion.

Mr. Senges stated this was the second time when the notice for the applicant posed an issue for the Applicant and the Board. The write up and variances were less than what the Board members are accustomed to. The Chairman mentioned that in the previous meeting, Mr. Platt helped them to navigate through multiple variances and to properly amend the application. Due to lack of clarity, the applicants do not understand what they are applying for and what the ordinance requirements are. Mr. Senges asked if Mr. Norman would bring this issue up with the Zoning Officer. In this case, the variance should have been requested not for a fence height, but for a setback. The ordinance prohibits any fencing in the front yard, and that is what the applicant should have requested relief for. The resume was not written properly, it is confusing.

Mr. Norman concurred the write up should be written in a clear and refined manner. The height of the fence could have been included as a second variance. He is positive this could be resolved and will reach out to the Zoning Officer. He referenced CME report where Mr. Matlack stated the fence should not be more than 25 ft from the property line. Mr. Cupersmith mentioned there was no CME report provided. The Board agreed that Mr. Senges will reach out for clarification to Mr. Matlack, and Mr. Norman will speak to Ms. Bradley.

Ms. Tulman asked whether it would be permissible to travel to properties that are being reviewed prior to the meeting. The goal would be to familiarize herself with the Township properties layout while avoiding trespassing.

Mr. Norman noted it was an excellent question for a new board member; not only it is permissible, but it would also be encouraged. The only thing to keep in mind would be to avoid getting into discussions with property owners or neighbors about the case.

Mr. Senges also confirmed it would be a great idea to visit properties and occasionally, even ask for a formal permission from the owners to tour the property.

With no further business to discuss, Mr. Cupersmith motioned to adjourn the meeting seconded by Mr. Weil.

Stella R. Sytnik
Zoning Board Secretary