

Zoning Board Chairman Mr. Cupersmith 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. Willard, Mr. Weil, Mr. Leoncio, Mr. Pannu, Ms. Tulman, Mr. Hundal, and Mr. Cupersmith

Absent: Mr. Senges

Also, present: Chris Norman, Board Solicitor, The Platt Group; Mr. Bennett Matlack and Mr. Chris Dochney, Board Engineers, CME; and Jennifer Gaffney, Board Secretary

RESOLUTION

RES: 22-013 RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12. *Heather Furey and Thomas Furey and Voorhees Law Center, LLC v. Voorhees Township Zoning Board of Adjustment.*

Mr. Weil made a motion to memorialize Resolution 22-013, Mr. Willard second the motion, all Board members approved.

Ayes: Mr. Cohen, Mr. Willard, Mr. Weil, Mr. Leoncio, Mr. Pannu, Ms. Tulman, Mr. Hundal, and Mr. Cupersmith

Abstentions: None

Nays: None

NEW BUSINESS

Joseph LaPlaca

RR

Case #ZC2021-036

71 Acadia Drive | Block: 218.03, Lot: 112

Action: 3/24/2022

Mr. Norman summarized the application. The Applicant has requested bulk (c) variance(s) related to existing 6' high vinyl fencing in the secondary front yard and existing walkway in the side yard:

- a. **Section 150.12(B)(1)** where no improvements or grading are permitted within 5' of a side property line and the existing walkway was installed at the property line; and
- b. **Section 150.14(B)(1)(b)(2)** where fencing up to 6' in height is permitted in rear and side yards, the existing 6' high vinyl fencing was installed in the secondary front yard; and
- c. **Section 150.14(B)(2)(a)** where all fencing is prohibited from installation within a front yard, and the existing 6' high vinyl fencing was installed within the secondary front yard; and
- d. **Section 150.14(B)(3)(f)** where the installation of evergreens is required in front of all fences 5' higher which face a right-of-way, and the installed fencing along Evesham Road was installed at the property line, leaving no room for the installation of evergreens on this property; 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. Norman swore in the applicants, Mr. Joseph LaPlaca and Mrs. Emily LaPlaca.

Both gave testimony to the pre-existing conditions upon the purchase of the property and shared photos previously submitted with the application with the Board. In their testimony they indicated that the prior owner had received a variance to install a board-on-board wooden fence. Later, that fence was replaced with a vinyl fence in order to provide an extra level of privacy to shield them from the shopping center located behind their property.

Additionally, a walkway was installed from the backyard to the driveway within 5' of the side property line. The previous owner who had some mobility issues installed the walkway as a means for ease of access to be able to move trash cans from the backyard into the front yard.

Mr. LaPlaca indicated that they found out about the required variances on 8/30/2021 and their rate lock was up on 9/3/2021. They didn't have any other choice then to put the escrow up and close, there was no opportunity for them to get estimates to remove.

Ms. Tulman requested for Mr. Norman to clarify the variances so that a motion could be made.

Mr. Weil asked if the property was right off of Evesham Road next to Avian Plaza. The applicant confirmed that to be correct. Mr. Weil indicated that he could understand the need for privacy and safety due to the highly trafficked area.

Mr. Cupersmith asked the applicant if they had any neighbors that reached out to them in concern. Mr. LaPlaca stated that no has complained about the fence or the walkway.

Mr. Norman asked if there were any drainage issues around the walkway, the applicant indicated that there was no ponding or pooling of any water.

Mr. Cupersmith opened the application for public comment. No hands were raised, public portion was then closed.

Mr. Norman summarized the variance relief requests so that a motion could be made.

Mr. Weil made a motion as summarized by Mr. Norman, Mr. Pannu second the motion. All Board members were in favor. Motion passed.

Ayes: Mr. Cohen, Mr. Willard, Mr. Weil, Mr. Leoncio, Mr. Pannu, Ms. Tulman, and Mr. Cupersmith

Abstentions: None

Nays: None

Elizabeth Chiang

MDR100A

Case #ZC2021-038

25 Oak Ridge Drive | Block: 202.08, Lot: 19

Action: 4/19/2022

Mr. Norman summarized the application. The Applicant has requested bulk (c) variance(s) to permit the installation of an unspecified structures in the rear yard.

- a. **Section 150-12(B)(I)** - Minimum rear yard setback (existing retaining wall): 5 feet required, 4.6 feet existing, no change proposed;
- b. **Section 150-13(A)(6)** - Minimum rear yard setback (existing concrete area surrounding pool): 15 feet required, 7.1 feet existing, no change proposed; and
- c. **Section 150-13(A)(I)** - Maximum rear yard occupancy: 25% permitted, 34.7% existing, 54.7% proposed.

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

The applicant Mr. John Chiang, and his daughter Ms. Grace Chiang, were accompanied by Mr. Kristopher Berr, Esq., attorney from Del Duca Lewis and Mr. Scott Smith, surveyor, and professional planner from Key Engineers.

Mr. Smith indicated his various credentials and was recognized and qualified by the Board.

Mr. Chiang was sworn in by Mr. Norman.

Ms. Grace Chiang (daughter) 211 East 13th Street, Apartment 1K, New York, NY was sworn in by Mr. Norman.

Mr. Berr summarized the application once more indicating the hardships based on the slope of the backyard. Once completing a summary of the historical timeline of the backyard improvements, Mr. Berr shared his screen of the photos of the area.

Ms. Chiang stated that all information provided was accurate. Her father had the pool installed while she was in middle school. In 2020 Ms. Chiang moved back into the childhood home with her husband and 2 children, 6 and 2. She indicated that the backyard space is unsafe for children with the various levels and slope. They are looking to level the slope and add the paver patio for a much safer enjoyment of the yard.

The Board discussed the plans and Mr. Smith indicated on the photos where the patio would be located. Mr. Smith also indicated that the railroad ties that are used for the retaining wall around the pool will be replaced with cinder blocks. The height will be increased to reduce the slope. It is currently between 4-5%, the typical sidewalk/cross slope is 1.5-2%. The wall will be brought up about 8 inches from where it's out now.

Mr. Matlack asked how tall the new wall will be. Mr. Smith indicated that the new wall will be about 3 feet and 4 inches tall. There will also be a railing.

Mr. Matlack stated that he was satisfied with the testimony provided and a condition with storm water management would be addressed with resolution compliance.

Mr. Cupersmith indicated that he believes a railing should be added to the back retaining wall at the back of the pool, at the rear of the property, as well for a safety precaution.

Mr. Cupersmith asked if the Board had any other questions. There were no further questions. Mr. Cupersmith opened the application to the public, with no public comments, the public portion was closed.

Mr. Weil made a motion as summarized by Mr. Norman, Mr. Willard second the motion. All Board members were in favor. Motion passed.

Ayes: Mr. Cohen, Mr. Willard, Mr. Weil, Mr. Leoncio, Mr. Pannu, Ms. Tulman, and Mr. Cupersmith
Abstentions: None
Nays: None

Jarett & Katelynn Brotz

MDR100A

Case #ZC2021-040

8 Glen Forest Drive | Block: 506.05, Lot: 7

Mr. Norman summarized the application. The Applicant has requested bulk (c) variance(s) to permit existing structures to remain in the rear yard.

- a. **Section 150.12(B)(1)** where no improvements shall be within 5' of a side and rear property line and the as-built gazebo has a side setback of 2.42', the as-built patio has a rear setback of 4.14', and the as-built basketball court has a side setback of 0';
- b. **Section 150.13(A)(1)** where no more than 25% of the rear yard area may be occupied by accessory uses and structures and the existing rear yard occupancy appears to exceed 25%;
- c. **Section 150.13(A)(6)** where a 15' minimum rear setback is required for accessory structures and uses and the as-built patio has a rear setback of 4.14' and the as-built basketball court has an approximate rear setback of 7';
- d. **Section 152.015(D)(3)** where a 15' minimum side setback is required for accessory structures and the as-built basketball court has a side setback of 0' and the as-built gazebo has a side setback of 2.42'; 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. Jarett Brotz & Mrs. Katelynn Brotz were sworn in by Mr. Norman and began their presentation with their testimony.

They thanked Voorhees Township Zoning Department for all their assistance and shared their history of buying the property with the as-built conditions. They recognized that they are asking for forgiveness for the violations of the previous owners.

They shared various photos of the areas in need of variances and indicated that there poses no onerous hardship on neighbors and removing or moving and structures or concrete could cause damage to the ground underneath. It could also cause dangerous situations for their children should they have to remove any of the items. This includes a gazebo that is 20 years old.

Mr. Cupersmith opened the application to the public for comment, with no public comment the public portion was closed.

Ms. Tulman made a motion as summarized by Mr. Norman, Mr. Cohen second the motion. All Board members were in favor. Motion passed.

Ayes: Mr. Cohen, Mr. Willard, Mr. Weil, Mr. Leoncio, Mr. Pannu, Ms. Tulman, and Mr. Cupersmith
Abstentions: None
Nays: None

Mr. Cupersmith opened the meeting up to the public for comment, with no public remaining, public portion was closed.

Mr. Cohen made a motion to move into Executive Session. Mr. Willard second the motion. All were in favor. Meeting was closed for Executive Session.

EXECUTIVE SESSION: The Board will enter into an Executive Session for discussion and consensus of the following matter: Heather and Thomas Furey and Voorhees Law Center, LLC vs. Voorhees Township Zoning Board of Adjustment.

Mr. Norman indicated that the Board discussed the pending litigation. The Executive Session was strictly informational, and no further action was taken.

Mr. Weil made a motion to return to the open meeting. Mr. Cohen second the motion. All were in favor.

Mr. Weil made a motion to adjourn the meeting. Mr. Willard second the motion. All were in favor.

Jennifer L. Gaffney, Zoning Board Secretary

Voorhees Township

Minutes prepared by Jennifer Gaffney. The minutes are intended to reflect the basic comments and action.

Verbatim transcripts of all electronic recordings can be available upon proper request and payment.