

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. Weil, Ms. Tulman, Mr. Hundal, Mr. Senges, and Mr. Cupersmith

**Absent:** Mr. Willard, Mr. Pannu and Mr. Leoncio

**Also, present:** Mr. Stuart Platt, Board Solicitor, The Platt Group

#### NEW BUSINESS

##### **JASON & NIKKI ELKINS**

30 Simsbury Drive | Block: 304.12, Lot: 1

MDR/100A

Case #ZC2022-017

Action Date: 12/31/2022

Mr. Platt summarized the application as listed below:

**150.14(B)(2)(c)**, where fences on lots that have frontage on more than one street, the front yard setback of 35' is required, and the proposed fencing will have a setback of 5' from the property line, 12' from the right-of-way, 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. Platt indicated that the Board was in receipt of a letter from the applicants attorney requesting a postponement and extension of the action date until March 31, 2023.

Mr. Weil made a motion for postponement and extension of action date. Mr. Senges seconded the motion.

**Voice Vote:** *All Board members voted in favor.*

##### **KIMANI & TRANG BELL**

21 Woodbrook Road | Block: 227.04, Lot: 6

MDR/100A

Case #ZC2022-016

Action Date: 1/6/2023

Mr. Platt summarized the application as listed below:

1. **150.14(B)(1)(c)** where fences are not permitted to extend into the front yard setback, and the proposed fencing appears to range in setback from 10' to 15' from Montclair Drive where a minimum front setback of 30' is required, and
2. **150.14(B)(2)(a)** where no fence shall be installed within a front yard or front yard setback, whichever is greater, and the front yard extends 36.78' from the Montclair Drive right-of-way but fencing is proposed at approximately 10' from the property line, and
3. **150.14(B)(3)(f)(1)** where fences exceeding 5' in height require the installation of evergreens for all portions that parallel a right-of-way, however, the locations of those required evergreens were not included on the submitted plan, and

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

Mr. Kimani Bell and Mrs. Trang Bell were sworn in by Mr. Platt. Mrs. Bell explained the reason for the application and why they are requesting the variances. In summary they are seeking the variances to install the 6' fence in their secondary front yard for the security and safety of their family, especially their children.

Mr. Cupersmith asked for them to confirm that the proposed fence would be installed 15' from the property line. Mr. and Mrs. Bell confirmed.

Mr. Weil referred to the photos that were provided with the initial application. Mr. Bell stated he had taken updated photos and shared his screen to better illustrate to the Board where they would like to install the fence.

The Board then discussed the site distance of the proposed location. The Board asked the applicant if they would consider installing the fence 20' from the property line. The applicant agreed.

Mr. Cupersmith opened the application to the public. There was no public comment. Mr. Cupersmith closed the open portion and opened it back up to the Board.

Mr. Senges requested a summary of a motion from Mr. Platt. Mr. Platt summarized a motion.

Mr. Weil made a motion as summarized by Mr. Platt. Mr. Cohen seconded the motion.

**Ayes:** Mr. Cohen, Mr. Weil, Ms. Tulman, Mr. Hundal, Mr. Senges, and Mr. Cupersmith

**Abstain:** None

**Nays:** None

**ESTATE OF JAMES SPINA**

RR

Case #ZC2022-018

15 Lafayette Avenue | Block: 288, Lot: 3

Action Date: 1/17/2023

Mr. Platt summarized the application as listed below:

1. **152.005(A)** where a lot size of 43,560 square feet (1 Acre) is required and the construction of a single-family dwelling is proposed for a lot size of 24,000, and
2. **152.005(D)(1)** where a front yard setback of 50' is required, the proposed front yard setback is 15.33' and

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

Ms. Isabell Spina, applicant and Mr. David Thatcher, Esq. attorney for the applicant were admitted as panelists. Mr. Platt swore Ms. Spina in for testimony.

Mr. Thatcher summarized the application and the request for variance relief.

Ms. Spina stated that she was under contract to sell the lot to Ms. Gail Hann. Ms. Hann's intent is to develop the property with a single family home and then sell it.

Mr. Thatcher shared architectural drawings of the home that Ms. Gail Hann proposes to develop with the builder that she has engaged.

Ms. Spina continues to give testimony on the property and the surrounding area while Mr. Thatcher shared the Variance Plan dated 5-11-2022.

Mr. Thatcher shared various photos of the property and surrounding areas.

Mr. Thatcher next shared Tax Plate 39 and identified the lots and their owners, along with the photos.

Mr. Platt asked if the applicant will be providing testimony from a professional planner. Mr. Thatcher stated that he does not have testimony from a professional planner, as they had a conflict.

Mr. Cupersmith stated that he would feel more comfortable if they had testimony from a professional planner.

Mr. Platt suggested that the Board open the application for public comment or questions.

Ms. Ann-Jeanette Morales of 17 Lafayette Avenue was sworn in by Mr. Platt. She stated that her house sits 93.8' from the front property line. She expressed opposition to this application as it would block her sunlight to her yard and for her chickens, the noise levels would be increased with construction and a new neighbor would hinder on her husband's sleep.

With no other hands raised, Mr. Platt stated that the action date is January 17, 2023 and asked if Mr. Thatcher would be able to agree to consent to an extension of action date through March 31, 2023. Mr. Platt indicated that the applicant will need to notice again.

GAVIN &amp; FELICE WALTER

MDR/100A

Case #ZC2022-019

Mr. Platt summarized the application as listed below:

1. **150.13(A)(6)** where the minimum rear yard setback for accessory uses and structures shall be 15' and the proposed inground pool installation is 8' , and
2. **152.015(D)(3)** where the minimum side yard setback for accessory uses and structures of 15' is required and 8' is proposed, 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. Gavin Walter and Ms. Felice Walter were sworn in by Mr. Platt. Mr. Cupersmith asked for the applicants to present their case.

Mr. and Ms. Walter shared a presentation summarizing their request. Exhibit A-1 Photo of Proposed Pool Location is a photo of their backyard. Exhibit A-2 Survey and Hardship was shown next while Mr. Walter explained that given the small back yard installing the pool close to the house is a safety issue for their small children.

Ms. Walter shared Exhibit A-3 View from Zillow (Lot Lines) which showed an overhead view of the property and surrounding properties. She discussed how the placement proposed would provide security and privacy, minimizing any negative impact on the neighbors.

Mr. Cupersmith opened the application up to the public for comments and questions.

Mr. Thomas Bonfiglio of 5 Hardwicke Drive was sworn in by Mr. Norman and expressed support for the application.

Mr. Cupersmith closed the public portion.

Mr. Senges made a motion to approve the application, Ms. Tulman seconded the motion.

**Ayes:** Mr. Cohen, Mr. Willard, Mr. Leoncio, Ms. Tulman, Mr. Hundal Mr. Senges, and Mr. Cupersmith

**Abstain:** None

**Nays:** None

Mr. Cupersmith opened the meeting to the public for any general questions or comments.

With no hands raised, Mr. Cupersmith closed the public portion.

Mr. Senges thanked the Board members and professionals and expressed his gratitude for serving with everyone as this meeting is his last as a Board member. Each Board member expressed gratitude for his service.

Mr. Weil made a motion to adjourn. Mr. Senges seconded 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.*