

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.

OATH OF OFFICE

Ms. Jennifer Branch Stewart, Alternate #1, was appointed by the Township Committee to a 2-year term expiring 2024.

Ms. Stewart was sworn into her alternate position by Mr. Norman.

ROLL CALL

Present: Mr. Cohen, Mr. Weil, Ms. Tulman, Mr. Hundal, Mr. Leoncio, Ms. Jennifer Branch Stewart (alternate), Mr. Willard, and Mr. Cupersmith

Absent:

Also, present: Mr. Chris Norman, Board Solicitor; Mr. Bennett Matlack, Board Engineer; and Mrs. Jennifer Gaffney, Board Secretary

RESOLUTIONS

Resolution 23-19 ZC2022-025 – 8 Brookwood Drive | Block 230.19 Lot 15
Hardy and Samai Lim

Mr. Weil made a motion to memorialize Resolution 23-19. Mr. Cohen seconded the motion, roll call vote followed.

Present: Mr. Cohen, Mr. Weil, Ms. Tulman, Mr. Hundal, Mr. Willard, and Mr. Cupersmith

Nay: None

Abstain: Mr. Leoncio

Resolution 23-20 ZC2023-003 – 1234 Haddonfield Berlin Road | Block 262, Lot 6
Khmer Buddhist Humanitarian Association, LLC

Mr. Weil made a motion to memorialize Resolution 23-20. Mr. Cohen seconded the motion, roll call vote followed.

Present: Mr. Cohen, Mr. Weil, Ms. Tulman, Mr. Hundal, Mr. Willard, and Mr. Cupersmith

Nay: None

Abstain: Mr. Leoncio

Resolution 23-21 ZC2022-027 – 32 Kestrel Drive | Block 218.20, Lot 1
Christine Cearfoss

Mr. Weil made a motion to memorialize Resolution 23-21. Mr. Cohen seconded the motion, roll call vote followed.

Present: Mr. Cohen, Mr. Weil, Ms. Tulman, Mr. Willard, and Mr. Cupersmith

Nay: None

Abstain: Mr. Leoncio, Mr. Hundal

MINUTES FOR APPROVAL

March 9, 2023 – Mr. Weil made a motion to approve the minutes from 3/9/2023, Mr. Cohen seconded the motion. Voice vote was taken, all were in favor except for Mr. Hundal and Mr. Leoncio, both abstained.

Mr. Cupersmith indicated that the Board would be changing the order of business for the evening and would be starting with the 2nd item for business, Safety in Groups.

Prior to starting, Mr. Norman swore in Mr. Matlack as the Board Engineer.

SAFETY IN GROUPS

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Case #ZC2023-005

2515 Evesham Road | Block: 207, Lot: 4.18

Action Date: 6/27/2023

Mr. Jason Levine, Esq., attorney for the applicant, summarized the applicant's application.

The Applicant has requested a site plan waiver for building modifications to include two mechanical closets and a proposed recreation building to be redesigned to create three individual bedroom suites for three developmentally disabled adult residents. There are no proposed changes to previously approved building exteriors or footprints.

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 both the applicant, President of Safety in Groups, Mr. Eric Moory, and the applicant's engineer Mr. Jay Sims.

Mr. Levine called on Mr. Moory to testify. Mr. Moory explained Safety in Groups mission and purpose. He stated that the project ran into delays due to funding. They are finally able to move forward, however state laws have changed and now they can only allow up to 3 residents in one house together.

Mr. Sims pointed out the original site plan while Mr. Moory detailed the plans for the Board. He explained the necessary changes to the interior of the buildings from the original plan so that they could accommodate more residents.

Mr. Levine asked if the project was viable with only 12 residents. Mr. Moory answered that it was not.

Mr. Levine stated that there were several supportive neighbors and businesses at the meeting and would be happy to speak with the Board in support of the application.

Mr. Cupersmith indicated that he would open the application up to the public momentarily and asked if any Board members had any questions. Ms. Tulman asked if any of the staff lives on site. Mr. Moory stated that State Law does not permit staff to sleep during their shift. The goal is to have 3 eight-hour shifts.

Mr. Cupersmith opened the application up to the public. Mr. Josh Lasseter, Executive Director of Congregation Beth El and Mr. Stuart Sauer, President of Congregation Beth El were sworn in by Mr. Norman. They were both very supportive of the application.

There were no further comments from the public. Mr. Cupersmith closed the public portion and brought the application back to the board for a vote.

Mr. Weil made a motion to approve the application; Mr. Cohen seconded that motion. A roll call vote followed.

Aye:	Mr. Cohen, Mr. Weil, Mr. Leoncio, Ms. Tulman, Mr. Hundal, Mr. Willard, and Mr. Cupersmith
Nay:	None
Abstain:	None

Mr. Cupersmith called upon the next applicant, a continuation from December 8, 2023.

ESTATE OF JAMES SPINA

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Case #ZC2022-018

15 Lafayette Avenue | Block: 288, Lot: 3

Action Date: 1/17/2023

Mr. Thatcher summarized the application once more for the Board, and summarized where they left off on December 8, 2023. The Applicant has requested variances from the following sections:

1. Section 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. Section 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.

Mr. Cupersmith asked if the photos/renderings provided to them were indicative of the design of the proposed house.

Mr. Thatcher asked Ms. Spina about the history of the lots that she and her husband own. Mr. Thatcher provided the original subdivision plan from 1974, which Mr. Norman titled Exhibit 6.

Mr. Thatcher called Mr. Phillip Schaffer to testify. Mr. Norman swore in Mr. Schaffer and asked him to list his professional credentials for the Board. Mr. Schaffer is an engineer with JTS Engineers as a Licensed Professional Land Surveyor and a Certified Licensed Planner. He stated that the last time that he provided expert witness testimony was in December 2022 in Cherry Hill. The Board accepted his credentials.

Mr. Schaffer stated that he created the plans for the applicant and is aware that the property is an undersized lot. Mr. Schaffer stated that the property is also a corner lot, and the zoning ordinances were updated in 1999 and updated setback requirements that puts this property at an undue hardship.

Ms. Tulman asked Ms. Spina to confirm the location of the front of her house, which is on Good Intent. She asked if there was access to Lippard. Ms. Spina stated that there was not.

Mr. Cohen asked if 9th Street has access to Lippard. Ms. Spina confirmed that it does. Mr. Cohen asked what prevents being able to get onto Lippard from Good Intent. Ms. Spina explained that there is a wooded area.

Mr. Norman referred to Exhibit 5 and asked if the proposed home would be built with the frontage on Lafayette to be consistent with the existing homes. Mr. Thatcher confirmed. Mr. Norman asked where the home would be placed on the lot in comparison to where the other homes are located. Mr. Thatcher stated that the neighboring lot sits back approximately 90'. He stated that the proposed house is set back 50', however Mr. Thatcher said that if the Board was inclined to have it be consistent with the other homes, they have no problem moving the house back to the 90' mark.

The Board had no further questions, Mr. Cupersmith opened the meeting up to the public.

Ms. Anne Jeanette Morales residing at 17 Lafayette Avenue was reminded that she is still under oath as she previously testified. She began a presentation shared from her laptop outlining her home's location next to the applicant's lot. She indicated that her property is also undersized and that she is a certified wildlife habitat with the National Wildlife Federation and Audubon Society. Mr. Norman asked when Ms. Morales bought her property. She indicated that she bought it in 2018. He asked if she was aware that there was an undersized vacant lot next to her property. She stated she was aware; she had seen a for sale sign for awhile and thought that no one would want to purchase it since it was undersized. Mr. Norman asked if she ever thought that it would be sold one day. She said she didn't think it would be due to the undersized lot.

Ms. Morales continued to discuss the impact on her lot of the proposed new home. She indicated that she is a registered Backyard Chicken owner. That the sunlight would be reduced and therefore would have a negative impact on their egg productions. Mr. Cupersmith asked if she had any literature or data that

would substantiate that claim. She stated that she did not have it with her but could provide it at a later date.

Ms. Tulman asked if the Backyard Chicken Program was for business or personal use. Ms. Morales stated it was for personal use.

Mr. Norman asked if she would be amenable to the applicant moving the house back to be in line with hers. She stated that she would be okay with that or to be in line with her neighbors which are between 50'-60'.

Mr. Willard asked Ms. Morales if she was challenging the existence of the home or the placement of the home. Ms. Morales stated that she is challenging the existence of the home.

She continued on to detail the impacts against her chickens, her pool, their backyard enjoyment, etc. She indicated that her husband works 60 hours and needs his sleep. She also mentioned that her 14-month-old daughter was very sensitive to changes in her environment, especially noise. She's concerned about the tree removal, road blockage and any safety concerns during any construction.

Mr. Cupersmith asked if there was a way of compromising and if she's had the opportunity to speak with the applicant. Ms. Morales stated that she is firmly opposed to it. Mr. Thatcher spoke up to say that he did reach out to Ms. Morales via phone.

Mr. Thatcher stated that the applicant is willing to be flexible with the Board in order to accommodate some of the concerns. Mr. Thatcher stated that he questions some of the concerns of Ms. Morales.

Mr. Cupersmith asked if there were any issues with complying with some of Ms. Morales' requests. Mr. Thatcher stated that there were only 2 requests, and the applicant is willing to move the location back to be in line with Ms. Morales' house and the chestnut trees will remain.

With no further public comments or questions, Mr. Cupersmith closed the public portion and brought it back to the Board for a vote.

Ms. Tulman made a motion to approve the application; Mr. Hundal seconded that motion. A roll call vote followed.

Aye:	Mr. Cohen, Mr. Weil, Ms. Tulman, Mr. Hundal, and Mr. Cupersmith
Nay:	None
Abstain:	Mr. Leoncio and Mr. Willard

JANA CARAS GELERNT & MARK GELERNT	CCRC	Case #ZC2022-028
69 MATLACK DRIVE, Block: 200, Lot: 2.448		Action Date: 5/31/2023

Mr. Norman summarized the application as follows:

The Applicant has requested bulk "C" variance relief for a proposed 2nd story deck.

- A. Section 156.037(B)(1)(c), where written verification of approvals is required, and the recorded approvals for Centennial Mill show a 5' minimum rear setback requirement and the proposed deck would be 0.4' from the rear property line.
- B. Section 150.12(B)(1), where in no event shall grading, construction, or alteration of a lot be permitted within 5' of a side or rear property line, and the proposed is 0.4'. Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. and Mrs. Gelernt were sworn in by Mr. Norman.

Ms. Gelernt stated that they originally purchased the property specifically because they were told that they could put a deck up. They saw the other properties on the street had them.

Ms. Gelernt stated that they have permission from Centennial Mill to install a deck as it does not infringe upon any other property. It is right up to the pond, there is no walking path on that side of the pond, etc.

Mr. Gelernt stated that they spoke with their neighbors, no one is opposed to the improvements they are trying to make, everyone has been very supportive.

Mr. Gelernt sent out the informal email that shows the property manager from the HOA approving the improvements. Mr. Norman entered the email as Exhibit A.

Mr. Matlack wanted to make a statement for the record that 0.4’ setback, it’s 4 inches, which is 0.3’.

Mr. Norman asked how far the deck is from the pond. Ms. Gelernt stated that it depends on the water level, there’s no definitive end to the pond. Mr. Gelernt stated that it’s probably about 30’.

Mr. Cupersmith opened the application to the public for comment, but with no public in the audience he closed and brought it back to the Board for a vote.

Mr. Cohen made a motion to approve the application; Mr. Willard seconded that motion. A roll call vote followed.

Aye:	Mr. Cohen, Mr. Weil, Ms. Leoncio, Ms. Tulman, Mr. Hundal, Mr. Willard, and Mr. Cupersmith
Nay:	None
Abstain:	None

Mr. Cupersmith opened the meeting up to the public for any general comments. There were no public left in the courtroom at the time.

Mr. Willard made a motion to adjourn the meeting, Ms. Tulman second the motion. All were in favor. Meeting adjourned.