



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, May 1, 2014**  
**DRAFT MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairperson Rardin at 7:33 pm.

**PLEDGE OF ALLEGIANCE:** Led by Chairperson Rardin.

**OPMA STATEMENT:** Read by Chairperson Rardin in compliance with the Sunshine Law.

**ROLL CALL**

- **Members in Attendance:** Michael Maitland; Daniel DiRenzo, Jr.; Ivy Rovner; William Carter; Harry Schmoll; Farhat Biviji, Vice-Chairperson; and Jonathan Rardin, Chairperson.
- **Professionals in Attendance:** Paul Stridick, AIA, Director of Community Development; Anthony Zappasodi, Esq., Planning Administrator; Jacob Richman, Planning Technician; Robert Hunter, PE, Zoning Board Engineer; Deena Greble, Esq., Zoning Board Solicitor
- **Oath:** Solicitor Greble administered oaths to Msrs. Stridick, Zappasodi, Hunter, and Richman.

**BOARD POLICY STATEMENT:** Read by Chairperson Rardin.

**COMMENTS FROM THE PUBLIC:** None received.

**ADMINISTRATIVE ITEMS**

**Regular Meeting Minutes from April 3, 2014:** Mr. DiRenzo made a Motion to Approve the Minutes from April 3, 2014, which was seconded by Mr. Carter, with affirmative votes by DiRenzo, Carter, and Biviji. Abstentions by Maitland, Rovner, Schmoll, and Rardin. Motion carried.

**AGENDA ITEMS**

**13-Z-0044**

Block(s) 521.09 Lot(s) 68

Zone: Residential (R1) Zone with a RIPD overlay

*Relief Requested: A bulk (C) variance to permit the construction of an in-ground pool and spa, a pool deck, walkway, terrace, and steps within the rear and side yards, which constitutes forty-seven percent (47%) of impervious lot coverage, where the maximum lot coverage within the Residential (R1) zone is thirty-five percent (35%) as per section 404.D.*

**Eric Shore**

12 Manor House Court

Cherry Hill, NJ

The Applicant was represented by Attorney Melanie Levan, Esq. from the McDowell Posternock Law Firm, and offered the following professionals and witnesses in support of the bulk variance request: Steve Chepurny from Beechwood Landscape Architecture and Construction, LLC; Mark Malinowski, PE from Stout & Caldwell Engineers, LLC; and Eric Shore, homeowner. Solicitor Greble administered the oaths to Msrs. Chepurny, Malinowski, and Shore and Chairperson Rardin accepted the professionals as experts.

Ms. Levan stated that the zoning regulations in the R1 zone have a maximum lot coverage of 35%; she stated that the existing lot coverage is 38%. With the proposed pool, spa, deck and patio improvements, the proposed lot coverage would be approximately 47%, which requires a variance. Mr. Shore testified that he purchased the property about two years ago and that the existing driveway, walkway, and patio were all there when he purchased the property; he now believed the prior owner constructed the patio without zoning approval. He testified that he has three children and needs a private pool due to a son with a medical condition that prevents him from using public pools. He stated that the lot is uniquely shaped and that they will take care of any storm water so as to ensure no additional runoff is sent to adjacent properties.

Mr. Chepurny provided testimony regarding the existing conditions and proposed improvements. A color rendering called the "Existing Conditions Plan", dated December 25, 2012, was marked as Exhibit "A-1". A color rendering of the proposed improvements called the "Landscape Design", dated April 29, 2014, was marked as Exhibit "A-2". Mr. Chepurny opined that the only location for the pool, in order to comply with all applicable

setbacks, was behind the existing driveway. The pool is uniquely shaped and has a raised back which functions as a retaining wall; he confirmed that the pool was seventeen feet from the foundation of the home and ten feet from the side property line and ten feet from the rear property line. He also stated that the existing circular patio had to be redone. He outlined the dense landscaping buffer along the rear and right side of the pool so that the pool is not seen from the street and that there will be perforated pipe along the fence line. He testified that the roof leaders will go into a surface drain on the new patio, along with two additional drains nearby to the pool with four inch pipe for drainage. There would be low voltage path lighting near to the lounge chairs and proposed seating; dimmers will be used and no flood lights are contemplated. He described the interlocking pavers, materials, and installation. There was discussion regarding the impervious coverage table and its components.

Mr. Malinowski testified regarding the storm water calculation and analysis. He provided testimony regarding the existing flow rates and the proposed flow rates and opined that any increase would be negligible. He testified regarding the need to submit a standard grading plan as per the Township's regulations. He provided information regarding the ten year storm calculations and the site's potential increase in volume. He stated that any increase would be mitigated with an underground pipe system in the rear of the lot. He stated infiltration trench drains would be used with perforated pipe with a stone bed and filter fabric. Mr. Malinowski testified that soil borings were completed and show permeability at two inches per hour. He testified that the Applicant would agree, as an explicit condition of approval, to include a storm water system onsite. He opined that the pipes may need to be increased to six or eight inches in diameter, depending upon the final grading plan information. He agreed to another condition of approval regarding the advanced review and approval of the grading plan by the Zoning Board Engineer. He agreed on behalf of the Applicant to make the drainage better with the improvements as compared to its current condition so as to bring the grading plan compliance back to the 35% lot coverage rather than the 38% lot coverage.

Mr. Shore testified regarding his desire to beautify his rear yard and host neighbors and friends in the rear yard.

Mr. Hunter provided testimony in relation to the Environmental Resolutions, Inc. review letter dated April 25, 2014. He highlighted the need for the Applicant to provide a grading plan which complies with the "Standard Checklist for Grading Plan Review" as utilized by the Township's Engineering Department. Also, if there are any problems with the grading plan, then the Applicant has agreed to come back to the Zoning Board for additional review and variances, if necessary.

Mr. Zappasodi provided testimony in relation to the Department of Community Development review letter dated April 24, 2014. He highlighted: the proposed buffering, significant improvements to the lot, storm water management tools, shape of the lot, and recommended conditions of approval. Mr. Stridick stated that the Department received several phone messages in support of the application from Mr. Shore's neighbors.

Chairperson Rardin opened the hearing to the public. Sara Joslin of 1234 Forge Rd asked questions regarding the storm water management mechanisms in light of recent flooding throughout the Township. She inquired if alternative means of management such as rain gardens were contemplated by the Applicant and whether the drainage would be tied into a street drain. Ms. Joslin was concerned about bad precedent and suggested the use of rain gardens in lieu of a perforated pipe system. Mark Borowsky of 10 Galloping Hill Rd stated that he lived adjacent to the rear of this property and that he supports the variance. He stated there was a lot of green space in this area of the neighborhood. Chairperson Rardin closed the hearing after the public was finished testifying.

Board discussion ensued.

**Motion to approve the bulk variance for lot coverage with enumerated conditions as specified:** Motion made by Mr. Maitland and seconded by Mrs. Rovner, with affirmative votes by Maitland, Rovner, DiRenzo, Carter, Biviji, and Rardin. Mr. Schmoll was opposed. Motion carried.

**RESOLUTIONS:** None.

**Meeting Adjourned:** 8:40 pm.