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. Neal Cupersmith Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Lee Cohen, Mr. Len Patton, Mr. Habib Quraishi, Mr. Manny Leoncio and Mr. Jeff Senges

Absent: None

Also, present: Board Solicitor Stuart Platt, Board Engineer Gary White, Conflict Engineer Ben Matlack, and Elaine Powell, Zoning Board Secretary.

APPOINTMENT OF CONFLICT SOLICITOR

Mr. Cohen made a motion to appoint Mr. John Palm, Esq., as Conflict Solicitor for the remainder of the year 2016; seconded by Mr. Weil. Motion carried by the assenting voice vote of all board members present.

APPROVAL OF MINUTES

Mr. Weil motioned to approve the minutes from September 8, 2016; seconded by Mr. Willard. Motion carried by the assenting voice vote by all board members with the exception of Mr. Senges, Mr. Leoncio and Mr. Quraishi who abstained.

MEMORIALIZATION OF RESOLUTIONS

Khmer Buddhist Humanitarian Association
1234 Haddonfield-Berlin Road
Block 262, Lot 6
Resolution No. 16-022

Chandrakantbhai Patel (Dunkin Donuts)
121 Route 73
Block 228, Lot 2
Resolution No. 16-023

Jaydeep and Rina Patel
4 Cresthill Court
Block 230.15, Lot 75
Resolution No. 16-024

NEW BUSINESS

Vara NRG, LLC
Case #ZC2016-005
MDR Zone
120 S. Pelham Road
Block 88, Lot 15

Seeking variances, site plan waiver and/or other relief for the construction of a solar carport. Applicant seeks a variance from the provisions of Section 152.015(D)(3)(6) to allow a four (4) foot side-yard setback where ten (10) foot is required, a variance from Section 150.17C(2)(a) to allow a solar energy system to generate 11.35kw where no more than 10kw per residential dwelling is permitted, for a variance from Section 150.12(B)(1) to allow construction of a carport and carport foundations within a side setback of five (5) feet and to allow an existing

driveway and masonry wall to remain within a zero (0) side-yard setback where no construction, alternation or grading is permitted within five (5) feet of a side property line and a variance from Section 152.17C(1)(b) to allow a front-facing solar energy system where a rear-mounted solar energy system is required unless the board determines such installation on the rear is ineffective or impossible. In addition, the Applicant seeks any and all other necessary and required variances, waivers and/or other approvals or any variances, waivers or other approvals called for by the Board's professionals, for the purpose of constructing the solar carport. The Applicant seeks a waiver of any site plan requirement in connection with said project.

Mr. Michael Aimini, Esquire, introduced himself as legal counsel for the applicant. Sworn in by Mr. Platt were Jeffrey Guevara, owner of Vara NRG, LLC, James A. Clancey, P.E., and Joseph Maryanski, property owner. Both Mr. Clancey and Mr. Guevara presented their credentials and were certified as expert witnesses for this application. Exhibit A-1 was submitted showing Mr. Guevara's certification and it was deemed that his expertise would be limited to the solar design of the project.

Mr. Aimini stated that they were seeking variances for a carport with a solar system due to Mr. Maryanski's dedication to alternative energy and the protection of his electric car. The 11.35 kW system is needed due to the needs of the home and the electric car. The carport is needed to shelter the car and to support the additional solar arrays, as there is not additional room on the house roof.

Mr. Guevara stated that he had designed the system to meet the needs of his client; a system that falls short of the needs, is ineffective. When questioned by Mr. Senges, Mr. Guevara stated that 25% of all homes with solar systems meet 100% of the needs. Most needs are based on financial ones. When questioned by Mr. Platt, Mr. Guevara stated that 100% of Mr. Maryanski's current needs were being met without the electric car. The purpose of tonight's request was for the car.

Mr. Maryanski stated that the carport is for the protection of his cars. The production of the electric is for the electric car. The current existing system does not meet the needs for the electric car. He further stated that these are the best months for production; in winter, the production goes down and the need goes up. He want like to get off all fossil fuels, as he does not feel good about buying energy from nuclear plants.

Mr. Platt asked Mr. Maryanski if this application would meet 100% of his needs; he responded that it would be in the 90 percentile. He stated that this carport system would cost him approximately $20000, that he is a 52 year resident of Voorhees Township, and that this approval would assist him in staying in Voorhees.

Mr. Senges asked if the solar system were denied, would he still build the carport. Mr. Maryanski stated he was unsure. He explained that the orientation is due to the southern hemisphere, which produces the most energy. The system would be inefficient if placed on the rear of the carport.

Mr. Clancey testified that the 20'x20' carport is the standard size for two cars. He submitted Exhibit A-2 to show an example of a two-car carport. He further explained the details of the carport and that the proposed location was to shield the carport from being an impact on the neighborhood. He also stated that the carport would be more aesthetically pleasing if it was covered with the solar panels rather than having just a few panels. When questioned, he stated there would be 14 panels on the carport.

After a 5-minute recess, Mr. Aimini asked to withdraw the variance request to exceed the 10 kW limitation.

Mr. Clancey addressed the 4-foot setback for the carport versus the 10-foot that is required. He stated that the property is only 72 feet wide where 75 feet is the minimum, which creates a 3-foot loss in width. There is also a gap of 2.5 feet from the carport to the house due to

the piers needed for the carport and they did not want to compromise the house foundation. Mr. Clancey also stated that there are carports in the neighborhood as well as other structures that are close to the property line. Mr. Clancey submitted an aerial, which was marked as A-4 that showed a garage in close proximity to the side property line. A packet of photographs submitted by Mr. Maryanski also showed an addition up to the property line as well as a few carports in area. Mr. Aimini stated that the pictures were to show that their request was not out of character in the neighborhood.

Mr. Senges stated that they could build a one-car carport for the tesla and meet code. Mr. Maryanski stated that he would then have a post in the middle of the driveway rendering the rest of it unusable.

Mr. Senges asked how the wall and driveway came to be constructed. Mr. Maryanski responded that the driveway was enlarged in 1980 and had a railroad tie retaining wall along the edge. The railroad ties became rotted, and in 2001, it was replaced with an EP Henry retailing wall.

Mr. Clancey stated that the solar is a beneficial use and that construction within 5 feet of the property line is pre-existing. They are not expanding the impervious coverage and the lot exists with a width of only 72 feet. The lot shape is also a hardship. From a negative standpoint, he stated that there would be no increase in lighting, glare or noise from the solar panels.

Mr. Platt asked if the driveway or wall had ever caused a problem. Mr. Maryanski stated that the driveway had always been used for cars and that there had never been a problem. He further stated that the neighbor most affected had no problem and would have been here tonight but he is out of state. He also stated that the wall and driveway do not cause any drainage problems.

Mr. White, Zoning Board Engineer, addressed his August 9, 2016 review letter. The lot is pre-existing and non-conforming in size and width. Mr. White further confirmed the variance requests and stated that no additional impervious coverage is being sought. Mr. White also concurred with the testing on southern facing panels.

The meeting was opened to the public. Mr. Platt swore in Kimberly Bahnasi of 119 N. Pelham Road. She stated that her property was behind Mr. Maryanski's, that Mr. Maryanski keeps his property well maintained, and that this project will have no impact on her.

Mr. Weil made a motion to approve the application as revised. Mr. Willard seconded the motion.

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

Nays: None

At this time, Mr. Platt and Mr. White recused themselves, Mr. Palm stepped in as Conflict Solicitor, and Mr. Matlack stepped in as Conflict Engineer for the Shirley Frank application.

Shirley Frank
Case#Z2015-011
MRD Zone
4 Cedar Hill Court
Block 230.10, Lot 12

Continued from the February 11 and April 14, 2016 meetings. The applicant is seeking relief from Sections 152.015(D) and (G), 150.13, 150.12 and 150.14(B)(1) of the ULDO to permit the following: To allow the paver patio to remain with a side-yard setback of "0" feet and a rear yard set-back of "0" feet where 15 feet is required; to allow accessory structures to occupy more than 25% of the rear-yard area and to allow an impervious coverage of 81% where the

maximum permitted is 45%; to allow the paver patio driveway to be constructed within 5 feet of the side and rear property lines where in no event shall grading, construction or alteration of a lot be permitted within 5 feet of a side or rear property line; and to allow the 6-foot high fence to remain constructed in the side-yard area where only a 4-foot high fence is permitted. Applicant is also requesting any other relief that may be deemed necessary by the Board and/or its professionals.

Allen and Shirley Frank stated that their son had recent hip replacement surgery and then the police came and seized all of her and her son's assets. Mr. Frank stated that they had hired a new engineer and had paid him half of fee when the state seized their assets. The board informed the Franks that they also currently $868 in escrow. The Franks asked for mercy and stated that the State of New Jersey case could take months or years. The Franks stated that they would like to proceed with their fence variance but withdraw the rest. They will remove the pavers to meet the setbacks and impervious coverage regulations.

Allen and Shirley Frank were sworn in. Mrs. Frank state that she would like to withdraw the application except for the fence request. She stated that they need the 6-foot high fence for privacy and pool safety for the security of the neighborhood children.

Mr. Weil made a motion to approve the application as revised for the location of the fence. Mr. Willard seconded the motion.

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

Nays: None

The meeting was opened to the public.

The public portion of the meeting was closed.

Seeing no further business Mr. Cupersmith makes a motion to adjourn, seconded by Mr. Willard

Elaine D. Powell
Zoning Board Secretary