

VOORHEES TOWNSHIP ZONING BOARD MINUTES SEPTEMBER 27, 2012

The Chairman called the meeting to order and stated it is being held in compliance with the "Open Public Meetings Act" and has been duly noticed and published by law.

ROLL CALL:

PRESENT:Mrs Kirshbaum, Mr. Weil, Mr. Kerr, Mr. Willard, Mr. Cohen, Mr. Leoncio, Mr. Senges, Mr. Stuart Platt, the board solicitor, Doug Rohmeyer, CME, the board engineer and Val Marchitto, the board secretary

ABSENT:Mr. Cupersmith and Mr. Daddario

MINUTES FOR APPROVAL:NONE

RESOLUTIONS FOR APPROVAL:NONE

CORRESPONDENCE: NONE

An announcement was made by the board solicitor that the Pete and Nancy Law case ZC20121-018 will not be heard this evening due to the fact that the board solicitor has a conflict with the resident-he had a friendship with both Mr. and Mrs. Law, so he felt it would be inappropriate to sit on that application. and they will refer this to the board's conflict attorney(who will be John Palm, Esq.) They will confirm the date with him to make sure he will be available, but we will continue this application to October 11, 2012. Mr. Weil made a motion for this to be heard at the October 11, 2012 meeting with Mr. Palm as the conflict attorney and additional 500.00 to be placed in the escrow account for the review of the engineer (zoning)of whatever that needs to be for the application; Seconded by Mr. Willard. The remaining voice vote was in favor.

OPENED TO THE PUBLIC

Mr. Kevin DiMedio, attorney-he represents the current property owners, Nancy and Robert Ashman. He was just recently retained in this matter. It is under a temporary c/o -the conditions are existing regarding the patio and the hot tub-the conditions are not intended to be modified or changed in any way-he just wants to put this on record. If there are any issues, the Law's are not present to be aware of that. Mr. Stuart Platt stated that the zoning secretary will notify the Law's that there will be additional review money and give them the new date for the hearing. If the recent title company did research they may have some information on the easement-there may be information they have in the report. Do additional readvertising and re-notice is required. Mr. Senges stated that this board is not a board of penalization.

The case Dipakkumar Malli and Shittal Patel -1409 Chestnut Avenue-2012-019-Mr. Platt stated that they received a letter from their attorney requesting a continuance-they will have to do renotece anyway-it will not have a continuance date-he asked the Chairman to see if anyone here for that application.

OPENED TO THE PUBLIC; SEEING NO ONE HERE THIS EVENING, IT WAS CLOSED TO THE PUBLIC.

NEW BUSINESS:

RICHARD AND BARBARA HUBBARD (2012-020)

67 Franklin Drive

Block 150.18, Lot 7.83

The applicant is seeking relief from Section 152.135(D) (2) (b) of the ULDO to permit the paver patio remain as constructed with a rear yard setback of 5 ft where min. 15 ft is required.

Mrs. Barbara Hubbard (67 Franklin Drive, Voorhees) was sworn in for testimony this evening.

Mr. Senges the work was done with no permits. He wanted an explanation of why it took 10 months. Mrs. Hubbard stated it is simply ignorance. She made an application. She assumed they would get more information in the mail; the next thing she received was a red letter. She stated that she was told they did not submit the application. She did not receive the denial with the red letter. Mr. Senges stated that they were denied on December 6, 2011, they indicated that they did not receive any denial until they received their notice of violation in July 2012. The board was confused. Mr. Rohmeyer (the board engineer) stated that the violation was in November 2011 and the application was submitted and denied for the zoning permit. Mr. Platt stated that apparently there was a violation on November 18, 2011, they then submitted an application for a zoning permit on the 28th and that was denied and they were probably told in their denial letter that they had to get a variance from the zoning board. They never submitted the application until quite recently because they got another notice of violation. So the Chairman's question is when you filed the application for the zoning application after you received the original zoning violation and then you were denied from that, that letter would have told you to apply for the zoning board because you did not meet the requirements—you had to be set back from the rear yard 15 ft and you go as close as 5 ft. Mr. Platt asked why you did not make an application between then and now. Mrs. Hubbard was not aware of a second letter, but her question would be—was there a time limit stated in that second letter—he explained that you were out of time to begin with in this process. Mr. Senges wants to know if there is a lack in communication to the public, there is not enough information on the letter sent to the resident—people don't understand? Mrs. Hubbard is a teacher as her occupation and felt there were too many words—be to the point. Mr. Rohmeyer had the file and stated that the notice given to the homeowner was five days. There was a denial on December 6th for a zoning permit again. Mrs. Hubbard doesn't recall this being sent to her. Mr. Senges stated he is trying to understand the process and where it broke down. Mrs. Hubbard made a phone call to Mrs. Adamson and her associate helped her. Mr. Platt wanted to know why you built it so close. She stated that her land in the back slopes down and when it rains, it lays at the foot of her door and she replaced her door and sliders with Pella and with that product they line everything with wood at the door, so now they are watching the wood just rot there that they spent all this money on. She called a contractor and they stated that they could fix this and he stated that he could put in a drain, take up the existing concrete that is there—put a drain so it drains out into the yard. She stated that Franklin Square is not a big piece of property and when Shurgard bought the back of the property they found out that they only own half of their back yard. The lot is short. They chose to replace this with pavers. She stated it is a little bigger than what it was about 3 feet. She had to cover that up to save her property and this was the only way to go. She stated that the ground she thought she owned that she has been taking care of and grooming is not her property. Mr. Platt asked what was behind her. She stated Shurgard Storage Facility. Mr. Senges wanted to know who owned the wood picket fence. She stated that it was there when they bought it. Mr. Platt stated he resides in Voorhees and had to get a drainage plan and a building permit. Mrs. Hubbard stated she did not intend to break the rules; she just wanted to protect her property.

Mr. Rohmeyer asked about another variance. He was told it is a 0 lot line, the house is a twin home.

OPENED TO THE PUBLIC; SEEING NONE, THE PUBLIC PORTION WAS CLOSED

A motion was made to approve the patio has applied for to remain as constructed 5 ft, where 15 ft is required by Mr. Willard; Seconded by Cohen

ROLL CALL VOTE:

AYES: Mrs. Kirshbaum, Mr. Cohen, Mr. Weil, Mr. Kerr, Mr. Willard, Mr. Leoncio and Mr. Senges

NAYS: None

Mr. Platt told her she is approved, but she still needs to obtain permits from the office, to make sure she follows up and gets permits, she may also require a drainage plan. The Chairman stated if you do anything to your home to check with the office to see if you need permits-zoning and construction.

Mukesh and Shobhana Patel

18 Woodhurst Drive

Block 240.04, Lot 9

The applicant is seeking relief from Section 154.015 (2) (b) 6 of the ULDO to permit a 3 ft high to 6 ft high vinyl fence to remain as constructed with a reverse front rear setback of 0 ft where 10 ft is required.

Mr. Patel was sworn in for testimony. He is the owner of the property and was sworn in for testimony, but he does not reside there-he lives in Florence; he rents this property to a family.

The applicant stated that he did not know he needed a permit for replacing a fence. He thought he did not need a variance because he was placing it in the same location. There was a six foot fence there before. He backs up to Victor Boulevard. He does not live at this location, but there are little children that live at this home and for their safety, they need the fence. Mr. Senges stated that there was the consistency of the fences that back up to Victor Boulevard.

OPENED TO THE PUBLIC; SEEING NONE, THE PUBLIC PORTION WAS CLOSED.

A motion was made by Mrs. Kirshbaum for the new fence to remain as the 3 ft high to the 6 ft high vinyl fence with the reverse front rear setback of 0 ft where 10 ft is required. ; Seconded by Mr. Willard to approve the as built fence in the location that the fence was built

ROLL CALL VOTE:

AYES:Mrs. Kirshbaum, Mr. Weil, Mr. Cohen, Mr. Kerr, Mr. Willard, Mr. Leoncio and Mr. Senges

NAYS: None

OPENED TO THE GENERAL PUBLIC:

Carol Aiken

906 Britton Place, Voorhees, NJ

She suggested that maybe the Mayor do an article in the column of the local paper or put a flyer in the tax bills or a handout to new homeowners when someone moves into town, or something with a hand out through the schools in town to inform the public residents that before you dig to place a deck, shed, patio, etc on your property that you always inquire through the Zoning and Construction Dept. if there would be a need for a permit. The Chairman thought that was a good idea to forward the idea to the Zoning Dept.

Respectfully submitted,

Valerie S. Marchitto, Board Secretary