

VOORHEES TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES MARCH 26, 2015

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

ROLL CALL

PRESENT: Mr. Senges, Mr. Willard, Mr. Weil, Mr. Daddario, Mr. Leoncio, Mr. Cohen, Mr. Quarishi Cherylynn Walters, Esq. from Platt and Riso, Doug Rohymeyer, CME-board engineer and Ben Matlack, from CME (observing meeting)

ABSENT: Mr. Cupersmith

MINUTES FOR APPROVAL:

January 22, 2015

Motion was made by Mr. Weil; Seconded by Mr. Willard; Abstentions: Mr. Cohen and Mr. Quarishi. The remaining voice vote was in favor

February 12, 2015:

Motion was made by Mr. Weil; Seconded by Mr. Willard. Abstention Mr. Leoncio and Mr. Senges. The remaining voice vote was in favor.

March 12, 2015:

Motion was made by Mr. Willard; Seconded by Mr. Daddario; Abstention: Mr. Cupersmith, Mr. Cohen, Mr. Weil and Mr. Quraishi

RESOLUTIONS FOR APPROVAL:

Ferro: Motion was made by Mr. Weil; Seconded by Mr. Willard; Abstention: Mr. Senges and Mr. Leoncio. The remaining voice vote was in favor.

Gupta: Motion was made by Mr. Weil; Seconded by Mr. Willard. Abstention: Mr Senges and Mr. Leoncio. The remaining voice vote was in favor.

CORRESPONDENCE: Mrs. Marchitto read into the record an email from Herb Kerr to the Mayor stating that he was resigning from the Zoning Board due to the time constraints in a business venture he is now involved in working on. The Chairman thanked him for his time and dedication to the board.

The Board Solicitor stated that it's on tonight's agenda for the Parker application –they wanted to be rescheduled –had to work out some issues regarding the review letter. A motion was made by Mr. Willard to continue the application to April 9, 2015; Seconded by Mr. Cohen. The remaining voice vote was in favor. Cherylynn Walters stated that this is the only notice given if anyone here for the public; so there will be no notice by mail or the publication in the paper.

NEW BUSINESS:

JOHNSON

Block 193/Lot 12

1417 Pine Avenue

Mr. Johnson is before the board asking relief from Section 150.10 Maximum garage permitted is a 3 car, 800 sf garage where proposed garage is 1009.77 sf (wood shop-hobby room) Relief from Section 152.015 D 1 b minimum front yard setback from Fifth Street is 30' where proposed setback to the garage addition is 19,9 ". Relief from Section 152.015 D 3 minimum side year setback of 15' where proposed is approximately 10ft. The Chairman stated that what is says and what Mr. Johnson was asking for is confusing. Doug Rohymeyer stated that corner lots are assigned two fronts and two sides as of right now; he stated that it was his understanding that there is an ordinance working on designating one side –one rear-Mr. Senges –confused. Cherylynn stated that part of the master plan was to change that-to redefine it to one rear and one side.

Mr. Johnson was sworn in for testimony. He is here from the last meeting due to a lack of board members. He stated that he wanted to do a workshop/artist studio due to the fact that he is retired and has a lot of time on his hands. The Chairman explained to him that it is about the need not the want when appearing before the zoning board.

He stated that he is a corner lot and the size and shape of his lot is a hardship for him to be able to have what he would need-he stated that his garage has the lawn mower and the items we have to maintain our home.

Lee Cohen asked is it a workshop where he fixes cars-he stated no. He needs this to stay active and for his mental health. There is no retail activity, not renting out

OPENED TO THE PUBLIC; SEEING NO ONE THE PUBLIC PORTION WAS CLOSED

Mr. Rohymeyer just wanted some clarification for the front yard setback and side and was good with all the answers. There is no sewer or water being proposed. There may be an electrical panel and he knows to pull permits with the construction department. There is no stove and no rentals. Cherylynn wanted him to ask for the variance for the private garage just because in the ordinance anything over the 800 sf with the addition -1005 sf requires and Mr. Johnson was in agreement.

The Chairman brought it back to the board for a motion. Mr. Weil made a motion; Seconded by Mr. Willard.

ROLL CALL VOTE:

AYES:Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cohen, Mr. Quraishi and Mr. Senges

NAYS: None

The motion carried 7-0. The board solicitor instructed him of a resolution being done and the 45 day appeal period so the applicant was aware.

N.H. Nital

Compound Pharmacy
Route 73
Block 225, Lots 16 and 17

The applicant is seeking Preliminary/Final site plan approval to permit the construction maintenance and operation of Compounding Pharmacy with a retail sale and professional consultation rooms. They are seeking bulk variances from a minimum front yard setback requirement of 100' to permit 76;. The minimum rear yard setback of 100' to permit 41.1. A reduction of required 50' landscape buffer to 29'. To exceed the maximum impervious coverage limitation to 41.7% rather than 30%. Variance to exceed the pervious area limitation to permit 58.3%. Variance to permit a parking setback of 29' in lieu of required 50'. Waiver/variance to permit a changeable copy sign. Waiver/Variance of design requirement to exceed 50% limitation of frontage to be occupied by parking (190.51 proposed). Any and all other variances of relief that the board may deem applicable.

Cherylynn stated that they filed a preliminary and final site plan approval-her understanding is that we are just doing Preliminary. She stated that your client has to go to the Environmental Board in the township-April 14, 2015 and then back to the board for final April 23, 2015. Mr. Lozuke stated that this is the path they are on and he was in agreement.

Mr. Senges stated that before you start the questions they have are the Route 73 requirements. Historically, no one has gotten a variance from them; the zoning board makes the decisions on a case by case basis. He stated the testimony they are looking for this evening is very specific and very pointed-give the board some comfort. Mr. Senges stated that they gave you a use variance and all very vocally supported-it's a good thing for health care and the community; it makes a lot of sense. Mr. Senges stated that they are very committed to the route 73 approach. He would like to see in balance.

Mr. Lozuke is aware of route 73 issues-he had the client with the master plan provision and the supporting proofs before the planning board -2-2 ½ yrs. ago with the new hotel the Hampton Inn and the Voorhees Diner. It is their job to give the board the benefits outweigh the detriments for the setback from route 73.

Doug Rohymeyer from CME-the deficiency in the 50 ft buffer-he believed there were some ways to rearrange the portion of the site to shift the parking lot/island and building back, if not the full 21 ft deficient at least mitigate partially to a larger buffer than 21 ft. He also wanted them to consider relocating the entrance way to a one way traffic on route 73 and placement of the sign. There is a likelihood that vehicles will go pass the driveway by the time they recognize the site. It could also simply the traffic movements –especially the garbage truck. There could be the improvements be made and still contained-all improvements are in Voorhees Township. On a more extreme aspect-there is space that could be utilized within the Evesham piece –that is outside the wetlands transition line. Doug knows the burden of going to another county/municipality-the space does exist and its common ownership. Mr. Lozuke stated that an application to Evesham township to put in a storm water retention basin is not something that they are going to hug them with-it would probably be a use variance application. These uses are an accessory use to a principal use. There won't be a principal use in their township. Evesham Township-they do require ex-situ proofs. He is not sure they can do the standard requirement. Mr. Lozuke stated that this is a pineland area-the demarcation –it would require a variance, site plan approval in Evesham twp-require environmentally sensitive area and application to pinelands as well. Mr. Lozuke stated pinelands is not an easy process –it's not impossible. It will not allow them to build anything this year. All of this played into –compromises and balances. He stated that it is one of the very few kinds of uses that would fit on this property. Mr. Senges stated that the board doesn't have a problem with what they said-other than a way of lessening relief that you are requiring-they would like to see every effort put into that-basin into Burlington county, instead of 29 ft maybe being 39-or 40 ft. –part of consideration-shifting. The site is being serviced by well and septic. They are concerned about the distances and where it is located-where the neighboring properties.

Mr. Rohymeyer stated that he did not examine the underlying soil conditions for the available space for the septic-that would be something the Camden County Board of Health Department-he did not know where the neighboring properties wells and septic fields-they were not on the plan. He stated that the township sewer engineer requested. He understood everything that Mr. Lozuke stated. Doug stated that the site is very utilized-every inch is being used for storm water runoff, parking, the buffer is the part that is suffering it's not the size of the building or the construction methodology of the basin. Jeff Senges stated to Doug that if we left the basin where it is –he stated that he is not redesigning the plan-the applicant's. Mr. Lozuke stated that they have a basement in this facility to be used the storage; the closer proximity that the basement is to the storm water basin-there will be a water issue from an engineering standpoint. Doug stated that it is a mathematical exercise- Mr. Lozuke handed out an exhibit (A1)-building envelope exhibit prepared by Avila Engineering –date?

Cheryl Lynn Walters swore in all the professionals-all at once

Mike Avila-Engineer, James Kyle, professional planner, Nittal Loehe –who may give testimony, Hitendra Nital-who are the representatives of the LLC applicant, Thomas Pape-the architect and Nick Popontos - sign designer and high distinction of Boro of Runnemede.

Another handout (A2)-site layout exhibit colorized –Avila 3/26/15.

Mike Avila stated that it's a unique site plan-the back line is Evesham Township –Township line and the right of way line merge to create a point-the more northward you travel the lesser your lot depth begins to go. By the time you get to lot 11 the last lot-twp line is an angle-even then a use variance stated Mr. Senges-the only meaningful information is 29 ft vs 50 ft and the board deals with the other township many other times. They have never had a problem-this is the first time –maybe because of Pinelands. Mr. Senges why the building can't be moved? The Pinelands/wetlands has a 50% buffer-available space in Evesham township because of the buffer-they had to fit in septic/storm –parking stalls-no wiggle room –there are a lot of factors to work out. Cheryl Lynn stated that that plan that you presented in December showed the entire basin located on the Evesham side of line-which would require the same type of application –now telling our board it may be impossible in Evesham Township. She is not comfortable in using that as a reason. There may be a potential to move the basin over the line? She didn't see a reason-this is a consideration. It could straggle the line-she is just saying-your burden isn't as much –look we went to Voorhees Township. She stated that she is the planning board attorney, not the zoning board attorney. Mr. Lozuke stated that they had prepared a presentation that includes what they hope to be questions that they will have answered. Mr. Senges what would prohibit you from moving this building back at least 10 ft. Hal Willard asked are we an easier board to deal with? The answer was no. Mr. Lozuke went to the Evesham-he did the hotel project-in that project it was abundantly paved for the diner in the back and it had 2 basins –existing. One they were going to

redevelop and one they were going to abandon. Mr. Senges asked why you can't move it 10 ft, if not why—that is all answer that question and you are going to pave the road. Mr. Lozuke asked Mr. Avila and he stated moving the building back puts them closer to the basin—that will create a problem. They are trying to maintain a safe distance—so there is not water seeping in—Mr. Senges asked did you do soil testing that tells you—are you going to have a problem? Most things are you don't want to discharge water within 10 ft of building—it runs a potential for water to infiltrate stated Mr. Avila. Mr. Avila stated it is 15 ft—safe distance away. Mr. Senges stated that the hotel—and that you are probably well aware that this board was taken to court to overturn that decision—their decision was reversed—Mr. Lozuke stated that this was a different application; Mr. Senges you need legitimate proofs. Mr. Senges stated prove to us that it has to be 8 ft. Mr. Avila stated that they would have to relocate the trash enclosure. Mrs. Walters stated at the end of the drive isle. The turning radius for the trash truck. Mr. Avila stated that the trash truck and another truck and maneuver to the back—that the trash enclosure is there for the no parking area for them to back into—it is shown that it would work. Mr. Senges wanted Doug to look at the plan and his opinion. It is Sheet # 9- Mr. Rohymeyer felt it could possibly work—Mr. Lozuke stated that we can be here all evening trying to figure out how to redesign this—they have been over and over with this rearranging—they move one thing—it affects the rest of the plan. Admittedly this is a very tight plan. They have been before this board many of times—they have to have proofs—they came prepared this evening for that—Mr. Senges stated that they need to work with the board—to tell the board you don't want to move the basin back into Evesham—low probability to get approved—you don't want to relocate the trash enclosure because it could be difficult—you believe in this plan and he understands. MR. Senges stated that the 21 ft variance that it is necessary—is an uphill battle; they are trying to avoid it; Mr. Senges stated that he felt they were trying to shove it down their throat. Mr. Willard stated that they like the concept. It seems that Evesham is not making a concession; you are not making a concession but the board tonight is being asked to swallow everything that is out of balance. Work with us—work this out because Evesham has a habit of not approving it. Mr. Senges stated I could see if you went to Evesham and it didn't work out. Mr. Lozuke stated to put yourself in the Evesham Board and how does he prove special reasons for a use variance for a basin? Mr. Lozuke he has his severe reservations about inadequacy of proof there. Mrs. Walters stated that like she said before when the applicant was here for the use variance in December—your plan showed the entire basin on the Evesham parcel—why was in on the plan if this board relied upon in and bulk variances that were granted and it hasn't been rejected there. Mrs. Walters stated that you made a representation to the board back then, of course it was a concept plan—they understood that but this was the intent the basin was going to be in Evesham and all the improvements were going to be here. You received a variance for a front yard setback of 96.2 ft as opposed to the 76 ft that you are now asking for. Mr. Lozuke stated that the Evesham is one thing and the Pinelands is other thing—they got a very extensive response from the pinelands commission when they were dealing with the wetlands transition buffer area. Their expert had assigned to have it 10 ft, went through a whole process most of which Mr. Lozuke had no concept of—determining where that line should be—he had some concerns of the ability to get a basin approved of this size in nature in the pinelands. This is another consideration; Burlington county he didn't feel there was an issue there. Mr. Lozuke stated that if you send us there—he can tell you that this will get done this year or maybe gets done at all. Mrs. Walters stated that you are looking for bulk variances—either prove hardship or you have to prove a C2. Mrs. Walters stated that your argument on hardship is that I can't build across the line—what the board is saying to you and validly so is that you are representing that based on experience—appreciate qualifications and not by actual application. She doesn't understand how you make that hardship argument—you haven't been rejected by the other forums. Mr. Lozuke stated to Mr. Avila can you move the building back 10 ft—does it put you into Evesham. Mr. Avila stated that they have had numerous concept plans. He understands what the board is stating—they came up with 5 concepts of how to move the site, relocate this and that. Mr. Senges stated to come up with a plan. Mr. Weil stated that when you were in originally you stated that there were not going to be a lot of folks in there at any given time; you have 29 parking spaces and 31 with the handicap spaces—that is a lot of parking and it's a pretty big building. Mr. Lozuke stated that the parking by ordinance based upon the size of the building.

Mr. Lozuke wanted to meet with this client to discuss some items and if they could take a 5 minute recess—to go over the issues.

Meeting back in session. Mr. Lozuke would like to postpone the hearing for their Preliminary and they are going to go back and have the engineer work with the board's engineer to see if we can come up with a plan—to see if it completely solves the Route 73 setback buffer—but at least try to figure out—if they can't they will have to provide the board with exquisite proofs for that—if they can all the better.

They would like to stay on the board for the April meeting –if they arrive at it all then Preliminary and Final. Cheryllynn stated that we will do a motion to carry to April 23, 2015 with this being the notice to the public that no notice to the public or the newspaper will be provided by the applicant.

A motion was made by Mr. Weil; Seconded by Mr. Willard. The remaining voice vote was in favor.

Cheryllynn Walters wanted to let the board know that Parker and Animal Welfare will be at the next meeting of April 9th-please make sure you make the meeting if possible.

Motion to adjourn by Mr. Willard; Seconded by Mr. Cohen. The remaining voice vote was in favor.

Respectfully submitted,

Valerie S. Marchitto