Voorhees Zoning Board of Adjustment October 8th, 2015 -Minutes

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

MEMBERS PRESENT: Mr. Willard, Mr. Daddario, Mr. Weil, Mrs. Sytnik, Mr.Leoncio, Mr. Quraishi and Mr. Senges

MEMBERS ABSENT: Neal Cupersmith and Lee Cohen

OTHERS PRESENT: Cherylynn Walters, Board Attorney, Doug Rohymeyer, CME-board engineer, Valerie Marchitto-Board Secretary

****

APPROVAL OF MINUTES:

September 24, 2015

Motion was made by Mr. Weil; Seconded by Mr. Willard, Abstention: Habib Quraishi; the remaining voice vote was in favor

****

APPROVAL OF RESOLUTIONS:

Myra Pearl

18 Franklin Drive

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

****

CORRESPONDENCE: NONE

****

NEW BUSINESS:

The Chairman stated they were going to take the applications out of order and would be doing the Dickinson case first.

DENNIS DICKINSON

1105 South Burnt Mill Road

Block 68/Lot 2

Dennis Dickinson was sworn in for testimony. The applicant is before the board for relief from Section 150.014(B) (1) and (B) (2) and Section 152.015 (D) (1) (a) of the ULDO to permit the 6 ft high solid vinyl fence to remain as constructed in the front yard area, where not permitted and with a front yard setback of 28 ft where 50 ft is required.

Mr. Dickinson stated that he put the fence up a while ago due to the fact that the house next door to him was vacant (6 years). The air conditioner was stolen, the copper was stolen on the house. There were a lot of drug issues going on on that piece of ground as well as break ins. He had items that belonged to him stolen and the barrier-fence was put up to for privacy and to keep people from coming over onto his property. He put the fence up himself; did not know that he needed a permit. The house next door has been a problem and it was a foreclosure and was for sale for a very long time. The bank would take care of the lawn-he has a daughter-there would be a lot of visual inquiries over his way. He needed the security. He stated that his home was broken into. His in laws just bought this property and this is where the fence was picked up on their change of ownership inspection. Now there is some positive to the home. Mr. Senges wanted to know how the fence provides security; the fence looks open? Mr. Dickinson stated that guys would pull up and knock on the door-bother them. Mr. Senges

stated that it doesn't protect your home. Mr. Dickinson stated that it gives them seclusion from that home-privacy from that home. Mr. Willard wanted to know the kind of fence in the rear-chain link fence. There is a small piece-30 ft. Mr. Dickinson stated that Burnt Mill Road is a freeway. He felt there is no negative. Mrs. Walters stated that under the law –meet certain criteria and burdens. Mr. Weil wanted to know if there were any bedrooms on this side of the house. Mr. Dickinson stated no-he stated that on Page 2 –the pictures stated that the fence doesn't block anything. Mr. Dickinson stated he put the fence up for safety. Mr. Senges wanted to know why he didn't get a permit. Mr. Dickinson stated that he made a mistake. Mr. Senges wanted to know when the pictures were taken-a month ago. His home is off to the side-the two story home. He made it white because it is closer to the rancher and it would look funny as far as the color. Mr. Willard stated that the in laws closed this week-the fence looks nice-his father in law likes the fence. Mr. Willard stated so now the issue isn't the workers, because now he has his in laws are there-so now the problems went away. Mr. Dickinson stated that now he would hate to tear the fence down. Mrs. Walters 8 ft sections of the fence –he has about 5 sections-so about 40 ft. Mr. Dickinson stated they are 6 ft sections. The chain link fence was connected originally. Mr. Weil understood why –it doesn't serve the purpose of a fence-Mr. Dickinson stated that blocks off from the home. He rides motorcycles-it blocks the visual; people steel things. He has been here 15 years. He has managed the restaurant across the street for 20 years(Fini's).

He would like the fence to remain for security reasons. He stated Burnt Mill Road is a heavily traveled road.

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

Mrs. Walters stated that there are 3 variances for this fence-one for the height of the fence, the front is in the front corner, and it is not allowed in front yard, front yard 28 ft where 50 ft is required.

There was a motion made by Mr. Willard; Seconded by Mr. Weil.

ROLL CALL VOTE:

AYES: Mr. Daddario, Mr. Leoncio, Mr. Quraishi, Mr. Weil and Mrs. Sytnik

NAYS: Willard and Senges

ZAHIEH AYOUB

10 Golf View Drive

Block 139, Lot 49

The Applicant is seeking relief from Section 152.015 of the ULDO to allow the as built patio to remain with a side yard setback and rear yard setback of 5 ft where 15 ft is required, to allow an impervious coverage of 52%where the permitted is 45% and to allow accessory structures/uses to exceed 25% of the rear yard area. Also seeking relief from Section 154.001 (B) (1) to allow the wall to remain with a rear yard setback of 4.59 ft and a side yard setback of 4.59 ft, 3.71 and .05 where no grading, alteration or construction is permitted within 5' of the side and rear property lines. Requesting any other relief and by the Board and its professionals.

Mr. Ayoub was present this evening along with his legal counsel Mr. Jack Carp.

He stated that when he installed the pool he had to do a grading plan, the pool was approved, but when constructing they put in pavers to go around the pool and they thought because they were not permanent that they did not need a permit. The land is uneven and it is higher than the neighbors and they constructed a wall. The wall has been there for 17 years and when putting in the patio around this they decided to redo the walls. The Chairman wanted copies from the file of the original permits and correspondence regarding the installation of the pool, so the board took a 5 minute break for the secretary to make copies. A copy was given to the applicant's counsel for him to review. There were 3 pieces of paper –the zoning denial –few reasons, setback of concrete 13 where 15 ft is required, type of fence to enclose-, 6/14/10 letter from Paradise Pool to the zoning officer-Cheryllynn Walters read into the record. Paradise Pools stated that their company was not installing any concrete. The walls will be placed in allowed in location-the fence will meet code. If any pavers or wood decking that would be on the homeowner. It was signed by Richard DeMarco. The third document-pool -as revised plan it clearly stated on the permit that if there was to be any other work done, you needed a permit and that was not

handled in the office. There was documentation that if decking, patio to obtain a permit. Mrs. Walters stated that the pool and wall are not the issue, they are permitted-the location of the wall is supposed to be 5 ft –concrete and pavers was not part of the permit –that he originally received-you were told specifically –which did not happen. The board is concerned about the impervious coverage-over the limit-over the accessory structures can occupy and multiple setbacks (wall and pavers). Now you have a lot of variances and she gave the list to the applicant's attorney. She stated that you have to establish a hardship for these improvements to remain where they are located. You have to demonstrate that would not substantially impair the public good/no detriment to the zoning plan.

Mr. Carp wanted to speak with his client and go over all this information. The board took another break.

There was a resolution with the original subdivision-landscape vegetation-placement of fencing-planting of the buffer was relieved. Accessory building in the rear yard-the maximum 25%-existing is 74%. Mr. Karpf wanted him to explain to the board what caused that problem. There is pavers and the walls were there-the neighbors are higher than him and he has to have the wall-otherwise will have a slope. Mr. Senges asked the board engineer to explain to them and why there is a problem. The rear yard-calculate 4950 (pool and patio itself -3,670 sf based off the plan). Mr. Senges stated that you have 3,000sf of patio-done without permits-the ordinance 25% to be occupied-they have 74 which is tripled-stated Doug from CME. Mr. Senges stated that 3,000 sf paver patio is extragant and it is considered impervious coverage-there is water runoff problems. Mr. Rohymeyer stated that the max. Impervious per lot 45%-infiltration of rainwater into the ground. He stated now with the addition of more impervious 52% -1,000 sf –less open space, more run off being generated from the site.

Mr. Ayoub stated he has a French drain with water problems and mold. After the pavers- it was to help the water issues he was having. Mr. Senges stated that the board engineer stated that the ground can no longer take water. Mr. Senges stated that if you waterproofed your basement and it was done right you won't have a problem. He stated the water will go to your neighbors-he stated that the water stays on his property. Mr. Willard-asked if he had any documentation that you have a drainage system set up as evidence for our board engineer to review. Mr. Ayoub stated that he had a professional do the drainage system with the paver company-they asked for documentation and its capacity? He didn't have it with him-he had it for the last 6 years. Mr. Senges asked if he could bring it back-could you show it to us. He stated that he had to go back to the company and ask them. Mr. Ayoub stated that his cousin built a pool with the last name-confused the office and they came to his house instead and the inspectors said –we do inspection for the township and Mr. Ayoub said –your pool is fine and paver fine-but you are within 15 line? It's considered a permanent structure-it's better with than without it (pavers). Mr. Willard asked him to describe the pumps-type of water management that was built in-the pavers have been built in around the house around the pool around. Next to the wall there is a chain of drain-which all the water goes into there, down the pipes and out to the front. Doug stated that it enters the grate along the wall, goes underground and then out to the front-pipes –they are perforated-Doug asked how does the system discharge? By the corner of the front? Next to his house. Doug would have to see the documents-to see the amount of water. Mr. Ayoub stated it is a 4 inch pipe. MR. Senges stated that we need to see something-calculations, drawings, you can't see underground. Mr. Rohymeyer stated that you could be taking the water taking it and then discharging in front-Mr. Willard stated that they need to see that. Mrs. Walters stated that the board can't take the information that it has been in and working for 5-6 years. Mr. Willard asked him to give us something to see it works; the walls were they taken down and put back in the same spot-they were put back up in a round shape-section within 5 ft-Mr. Willard stated that the wall was 5 ft a minimum –so he stated that the wall was extended back into the encroachment area, it was not replaced in the same spot and Mr. Willard wanted to know why? –It is 2 level-his neighbor's lot is higher-if he did bring the wall in –it would be too close –it's almost on the property line. Mr. Ayoub stated he has trees. Mrs. Walters stated that there is 3 of the walls are not within the code. Mrs. Walters stated that there is no grading or constructing within 5 ft the property line. He stated his neighbors all signed his property notice and there is no one here against this application. He stated that he is not here to harm anyone. Mrs. Walters stated that the next meeting they have Goodwill coming up-Mr. Senges stated that they would like to go in December so he doesn't have to renotice. The board secretary stated that the next meeting in December and that would be December 10th. Mr. Senges stated that the board engineer is looking for the install for the excess grading associated behind the wall-an grading overlap of 50 ft-they would need expansion of the grading; calculation as to how the drainage system works with the overlay –additional grading-you stopped at the property line-there is a negative impact. Mr. Senges stated that the engineer needs this information-so they can make an assessment. Mr. Senges stated that this is not negotiable. Mrs. Walters stated that the grading plan was done before you did your drainage-there is a

grading plan and checklist in the code and that requires in part-that you show 50 ft within your property to see the impacts. Mrs. Walters stated that if you do not get the approvals then everything has to come down. Mr. Rohymeyer stated that you are in the setback-you are negatively impacting the adjacent properties-that is why he is asking for this information-Doug stated that you are right up to your property line. Doug stated that he needs 2 wks. minimum and review-he will have to do a review letter to provide to the board and doesn't want to scrabble around.

The applicant's attorney spoke with his client and felt that we should continue the hearing to gather more information. Mr. Ayoub has information on the drainage system through his contractor and has to retrieve that information and then forward to the board engineer for his review. He would like to be heard in December and that should give him enough time to get this all resolved.

A motion was made by the board to move this application to December 10, 2015 (no notice required for the paper and property owners) by Mr. Willard; Seconded by Mr. Weil. The remaining voice vote was in favor. The board secretary asked to be excused to ask for extend to the end of January. His legal counsel extended the action date until January 31, 2016 just in the event that we have to cancel due to a shortage of board members or weather issues.

Respectfully submitted:

Valerie S. Marchitto, Board Secretary