

VOORHEES TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES FEBRUARY 12, 2015

The Vice 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:Mr. Weil, Mr. Cohen, Mr. Daddario, Mr. Willard, Mr. Quarishi, Mr. Cupersmith, Mr. Doug Rohymeyer from CME-board engineer and Cherylynn Walters, Esq-board attorney from Platt and Riso.

ABSENT: Mr. Kerr, Mr. Senges and Leoncio

APPROVAL OF MINUTES: NONE

APPROVAL OF RESOLUTIONS:

Conflict Attorney:

Motion was made to approve Mr. Palm as their attorney for the year 2015; Seconded by Mr. Willard; Abstain: Mr. Cohen. The remaining voice vote was in favor.

Vajifdar ZC2014-018:

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

NEW BUSINESS:

GUPTA
10 Chambord Lane
Blk 213.19 Lot 32

The applicant is seeking relief from Section 152.093(C) (3) (c) to permit a patio with a side yard setback of 7 ft where a minimum of 15 ft is required and to permit a patio and second floor deck with a rear-yard setback of 22 ft where 35 ft is required. (Note : Homes/subdivision approved with 30' front 25' rear setbacks –original final survey 10/02/00). Seeking any other relief as may be deemed necessary by the Board and/or its professionals.

The applicant Minnie Gupta was sworn in for testimony.

She stated that she started this project with her husband; he was very involved; she was not aware that pavers were considered as part of the permanent structure. She stated that they did everything with permits. Her husband is no longer involved and has walked out. So currently it is herself living in the house with her two children; a single mom and having a financial hardship as well. She was not aware towards the end of the project that the pavers were considered permanent and as far as the existing structure-she feels there is a lot of added safety and security features to the house. She has pictures that she included (5 pictures). She wanted to go over the pictures. Cherylynn wanted her to hold them up and let the board see them and they will mark them into the record. The first photo (A-1), she took the photo; she took 2-3 months ago-before November. The picture is a sidewalk along the house-it is necessary because it connects the front portion of the house to the door of the addition; allows for a safe access from the front of the house to the back of the house. Photo A-2 picture of the rear side patio-there is a lot of sloping of the ground in the back of the lot-it is clearly a safety issue for the side house –be able to easily access the side of the house if the kids are playing-it evens out the ground. Photo A-3 –back of the house; a lot of grading –steep grading and the walkway there is very narrow, by having a small walkway it allows for a small ledge that can be accessed to connect the back patio to the side of the house. Cherylynn Walters asked if she has a copy of her survey; which she did-prepared by Clancy and Associates dated 9-15-14-she marked that in as A-4, when looking at the house , which side of the house it is-Minnie stated when looking at the survey this is the rear part of the house –it says addition-it is adjacent to that. Cherylynn asked if there is an entry to the rear addition-it is from the door you saw in picture A-1 and it extends around to the back patio and then there are sliding glass doors where you enter to the house-it connects to the patio on A2. There is also

low voltage lighting which is in the pavers which is an added security feature. They are built into the pavers-there is low voltage into the columns. The A-5 picture-it is the two kids it is the back of the house-the kids use the small walkway –connects from patio to the side area. She encourages her kids to spend more time outside and she has onset of pre-diabetic (outdoor trampoline) in the side yard. She felt the walkway gives them to go from the front of the house to the side of the house to the back without risking injury.

She said she has a letter from her neighbor that lives to the side of her -8 Chambord lane; they are elderly. He is a lawyer; they have been watching the construction-during the entire a project; no objection-he has the letter and signed it-he gave a copy to the board attorney (marked in as A-7) Mr. Cohen asked husband left-are there any other family members-she stated that her parents are helping her out as she is going through the divorce process; they are staying at the house Mr. Weil asked; the improvements help her parents.

Doug Rohymeyer-asked A-1 and A2-shed? It is on the other side of the fence; it is not her shed. Sequence of construction; when was home built. Minnie stated 2000 She is the second owner. She bought the home in 2004. The addition started about 2 years ago-she wasn't sure of the exact date.

Block wall-service walk what was started first, addition-when built. Mr. Rohymeyer looked at aerial photos on line before he came to the meeting tonight. It appears the wall was built before and then addition was built up to it? She wasn't sure of those answers. Doug asked how does the roof of the addition drain-roof discharges to the rear or the side; Minnie stated that the run off usually goes to the rear. She stated that the sewer for the entire neighborhood is in her back yard. Doug stated that she was referring to a drainage easement in the rear. -20 ft wide. Mr. Rohymeyer asked if she had a storm sewer grate. She stated yes in the rear lot. Mr. Rohymeyer asked if she could have done the patio on the other side of the lot where there is more room; Minnie stated it is sloped on both sides. The door to the addition is on the left side-this made the most sense.

OPENED TO THE PUBLIC:

Robert Borbe, Esq-he is representing the property owner that resides at 41 Downing Lane. They reside directly behind them. Cherylynn Walters told Mr. Borbe his pictures will be marked in for evidence-P1 he showed the picture to the Minnie and asked if it was the front of her house-she stated yes. P2 is the back of her home. He asked her what year did she start the addition-she did not have the exact dates. The addition was put on after getting all the appropriate permits from the zoning office-based on the drawings. They were fully aware. Mr. Borbe stated that the setbacks were 25 ft and now the setbacks are 35 ft. She stated that she understood that the subdivision was approved at 25 ft setbacks. She stated that she was doing everything she was told to follow. Cherylynn stated that they don't have on the record on when the zoning changed so she was not sure-she wanted to make clear on the record. Cherylynn stated that she is making a presentation that at the time of the addition it was constructed it was 25 ft was the required-it appears that the construction was done after the zoning changes and 35 ft was in affect-there was so confusion with the zoning office when the permit was issued. Cherylynn felt that there was not a clear timeline in that regard. Mr. Borbe stated it is at this time 35 ft. He asked Minnie when they discovered the setback was an issue. She stated at the end of the construction –Mr. Borbe asked when it ended –October or November. She couldn't complete the construction because they were waiting for electrical-she was putting in lights and the lights were taking forever to come in-then they were able to finish that-then they went for final inspection. Mr. Borbe asked her about the second floor deck-used for-for enjoyment. She had a builder. Mr. Borbe asked if he knew what the setbacks were. She stated that she was not that involved for the project-her husband and he is no longer around. The trees were put up to add beauty. The whole purpose of all these improvements were to add beauty to her home and the neighborhood-the main goal and the safety of her home.

Mr. Borbe had an email/letter (P- 4) and will show the board and he read into the record. Unfortunately it was written to the chairman who is not here and he can't change his occupation. It is from Jeff Senges from Stephen Clyde, another realtor. It states it showing this property to my clients and seller felt that the addition was right up into their rear yard and they did not want to think of buying the property.

Mr. Borbe stated that they have no problem with the pavers. Mr. Cohen stated that this is why they are here; the problem is the second floor deck-bothers his client. Cherylynn stated that this application was filed from the fact that the applicant received a letter from the asst zoning officer dated September 29, 2014-to Dr. Gupta, which reads this office is in receipt of your grading plan dated 9-15-2014 and the plan indicates that the structures were not built in accordance with the initial plan that was submitted

and approved; nor in compliance with 152.015d for the uniformed land development ordinance; the rear patio has been built with the less than the 25 ft rear yard setback and the paver patio on the side of the new addition with a side yard setback of 7 ft where 15 feet is required and a rear yard setback of less of 25 ft. they were cited for the pavers –not for the addition or the deck. The application that was filed itself asked for bulk variances and indicated relief for the side yard setback of 7 ft where 15 ft required and rear yard setback of 22 ft where as we figured out 35 ft is actually required. Cherylynn stated that the application appears to be from a procedural standpoint for the pavers from the side yard and the rear yard. Cherylynn stated that the addition is 25.3 ft off the northeast corner and 25.4 ft from the northwest corner of the addition to the rear line; the issue that they were cited for to come in was the zoning office was applying 25 ft for the pavers that are attached and connected to the addition –not the rear addition itself. Tonight is for the side yard setback for the pavers to permit 7 ft where 15 ft; to permit the pavers to be 23 ft from rear where 35 is required. Mr. Borbe asked can the board do that if the railing on the deck is within 35 ft at this time-can the board grant that. Cherylynn stated that the governing body is getting ready to change these setbacks back to 25 ft-the board is aware of of this impending change; the 35 ft is what is –at this point the setbacks are getting ready to change back-she worked on the Master Plan. Mrs. Walters understood Mr. Borbe’s point.

CLOSED TO THE PUBLIC

The Vice Chairman brought the application back to the board. A motion was made by Mr. Weil; Seconded by Mr. Willard.

ROLL CALL VOTE

AYES: Mr. Weil, Mr. Cohen, Mr. Daddario, Mr. Willard, Mr. Quarishi and Mr. Cupersmith

NAYS: None

The motion was 6-0 in favor of the applicant. The board solicitor explained to her the 45 day rule for the resolution and that there will not be a meeting until March.

The board stated since there are no cases for the end of February and no time to schedule with notice, to cancel the next meeting in February 2015. The next meeting will be March 12, 2015.

Meeting adjourned

Valerie S. Marchitto