

VOORHEES TOWNSHIP ZONING BOARD MINUTES JUNE 26, 2014

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: Doug Rohmeyer-board engineer-CME, Stuart Platt, the board attorney from Platt and Riso, board attorney, Mr. Senges, Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Quarishi, Mr. Weil and Mr. Cupersmith

ABSENT: Mr. Kerr

MINUTES FOR APPROVAL: NONE

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RESOLUTIONS FOR APPROVAL-NONE

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CORRESPONDENCE: NONE



NEW BUSINESS:

DIANE SWEENEY:

8 Devonshire Drive

Block 270.02, Lot 6

The applicant is seeking relief from Section 152.015(J)(7)(b) and (c) of the ULDO to permit the 8x10 storage shed to remain as constructed with a rear yard setback of 4.5 ft where 5 ft is required and to allow the 10x14 storage shed to remain as constructed with a rear yard setback of 4.6 ft where 10 ft is required.

Mrs. Sweeney was sworn in for testimony. She stated that she bought this home and before buying it found out that the sheds were not in conformance with code for distance when the new survey was dropped off at the township offices. She stated she did not know how long they were located on the lot. She stated that her realtor called her and said she could take over the variance and move it and put money in escrow for them to do this or they would have to wait. She did all the requirements for the notice for the hearing. She stated that she never had to do this before, so rather than take them down because they are in good shape, they look so nice-like doll houses, and she wanted them to remain in the same location-so she is here to ask for relief for them to remain. She can't move them to another location. She stated that she notified her neighbors and no one was opposed, no one was in the court room to be opposed. She stated that you can't see the sheds at all from the street; there is a huge tree in the area where it could be moved, but that would be a long time tree. She stated that the shed is not negatively affecting the neighborhood. Mr. Senges stated that if you were in her neighbor's yard could you see the shed-Mrs. Sweeney stated no, in the front could you see the shed, she stated no, she stated that the sheds are really cute. They have electricity. Mr. Senges stated that make sure you check through the construction office to make sure she has permits for the electric to the shed. She stated that she lived here long time ago and came back.

OPENED TO THE PUBLIC; SEEING NO ONE FROM THE PUBLIC, THE PUBLIC PORTION WAS CLOSED.

A motion was made to approve the application as submitted by Mr. Weil to remain; Seconded by Mr. Cupersmith

ROLL CALL:

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

NAYS: None

The board felt the sheds were beautiful. They felt the tree was a very valuable tree in the corner that they would like to see remain, also to the approximately to the pool and equipment and it would be a hardship to move these sheds. There is no detriment to the neighborhood.

Mr. Platt told the applicant about the resolution and to obtain the permits.

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Ashwani and Kiran Kumar

ZC2014-012

39 Dunhill Drive

Block 150.08, Lot 15

The applicant is seeking relief from Section 152.131 through 152.137 to allow the addition to remain as constructed with a rear yard setback of 18.58 where 25 feet is required and to allow the shed to remain with a side yard setback of 3.66 ft and a rear yard setback of 1.33 ft where 15 ft (side and rear) is required.

The attorney for the applicant was present this evening- Mr. Suget K. Mohanty. Ms. Deborah Anderson was present this evening and was sworn in for testimony. She is a licensed architect, engineer and planner.

Mr. Senges asked how this all came about. The attorney stated that it came about from ignorance-he went to see the situation at the house and Mr. Kumar had built an extension to the house without seeking permits or approvals from the township. He stated that one day Mr. Murray-the zoning officer was inspecting a neighboring property –when he noticed the extension that was built arbitrarily. He agreed with Mr. Murray that it was needed in permits. Mr. Mohanty stated that he agreed for his client to put \$5,000 in escrow which was ordered by the Judge Michael Diamond-so there is money sitting in an acct for fines or other things involved in this case. There was a municipal court case that was filed by Mr. Murray. Ms. Anderson prepared all the plans and designs. The snag was that the setback is 15 feet-it is under the Township Center zone; the first design-it is a 25 feet setback that they then found out. The shed is there-there are plans for that this evening as well. They are asking respectfully for a variance for the house and shed this evening.

The homeowner's son was present this evening because the owner owns a restaurant which is 45 minutes from here, he is on his way here. Stuart Platt stated that the attorney is representing them so he can handle the application this evening.

The homeowner just arrive-Kumar –Sashwani-he was sworn in for testimony this evening. The son to translate is not the proper way to translate. Mr. Senges wanted to know the required setback for this area and Stuart Platt stated it is 25 ft. Mr. Platt stated that they misinterpreted the ordinance.

Mrs. Anderson –in reviewing the ordinance there was nothing that there was a mention of the 25 ft setback, Mr. Murray notified her of this.

Mr. Senges asked what the addition was for he stated it was a rec room for his grandkids to play in when they are staying with him. Mr. Platt asked how many people reside in the home. The homeowner stated 7 people and 2 children (grandchildren- 2 ½ and 1)). The addition is 315 square feet. Mr. Weil asked about the back yard. Mrs. Anderson stated that they have 18 feet from the back of the addition to the rear yard. Mr. Platt asked about other properties in the area that there is anything like this, same location, etc. She stated that there is a house behind that she did the plans for their addition, but they meet the setback. Mr. Senges asked about the dimensions of the addition-15x21-stated Ms. Anderson. Mr. Platt asked Ms. Anderson what the family room is one story, two story. Ms. Anderson stated it is one story with a crawl space below. Mr. Cupersmith asked who built it? The answer was the homeowner. You don't know if it meets code-this is a whole story in itself that the construction official is worried about stated Ms. Anderson. Mr. Platt asked about justification from a planning standpoint-other than he needs more room to live. Mr. Platt asked about the sheds-side and rear yards-put in by owner, that is true stated Ms. Anderson-it is the same time as addition. MR. Platt asked what the purpose of the shed? What is inside. The answer was the lawnmower, lawn equipment, etc. Mr. Senges asked how big the shed is-10x18 stated Ms. Anderson (187 sq. ft) . Mr Platt asked how anchored. The homeowner stated on a concrete pad. Mr. Platt asked if the shed could be relocated to meet or be closer to meeting the setback requirements, Deb Anderson stated yes-would result in any other use or having to cut trees down? They said that it would fine. The board is going to ask questions. The attorney stated that his family is growing and he would like for the board to accept and allow this to remain.

Mr. Senges wanted to know everything about the house. The homeowner stated that he has a 2 ½ bathrooms, 4 bedrooms, 1 family room, 1 kitchen, living room and garage. This is another family room. The homeowner stated that this is a playroom. The garage is a garage (1 car). Is there is basement-no only a crawlspace. Mr. Platt asked Ms. Anderson if the siding and roof meet the rest of the house-yes-it all matches the house-color and material. Mr. Senges asked the board if they had any questions. Mr. Weil asked if the top of the addition –color appears not completed by looking at the pictures. Roof out-too heavy. Mr. Platt stated no roof? Roof is there-flat –so the pictures are not updated. So the addition is going to have a peak roof. The footprint of the house is 1, 428 sf- so entire house sq. ft of the dwelling (1<sup>st</sup> and second combined) 2900 plus 315 family room addition. Mr. Cupersmith consider moving-the homeowner didn't want to have been there 20 years. Lee Cohen asked about the picture of the shed-cable? Coming out green cord coming out the door. The homeowner stated that it is Comcast. Mr. Senges stated cable? Mr. Cupersmith stated TV. The homeowner stated that it is a clothes line-it goes right thru the face of the building. His business is within 4-5 miles of his house-location wise, he has no intention of moving. Ms. Anderson stated that they have to make repairs per Mr. Murray –it is not complete and this will have to be finished up with construction.

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

Mr. Senges brought it back to the board for a motion. Mr. Platt asked the height of the addition from grade to the peak of the shed roof would be -12 feet - the shed height 8-9 feet.

Mr. Cupersmith setback issues-vote for it to allow for it with conditions-etc. they would have to pull construction plans and pull permits for the construction department and the zoning department.

The board split the motion off into two –the shed and the addition. Mr. Platt stated that we are not judging the municipal case or the construction at this point. He stated that you could grant the variance and the construction official could make it tear it all down or make them to make substantial changes. Mr. Platt stated that you hear it as a zoning case. The Rygate subdivision had very specific use variance with conditions with certain conditions; the homes are on top of each other as it is.

Mr. Willard asked ab out the fencing around the property. The fencing is the neighbors –they have a dog.

There are 6 in favor-motion approved for the addition –the board is in favor

The motion was made for the shed by Mr. Cupersmith to deny to allow the shed to remain in the side yard setback of 3.66 ft and a rear yard setback 1.33 ft where 15 feet is required.

Seconded by Mr.Daddario.

ROLL CALL VOTE

(Mr. Platt stated that if you vote to approve that means that you are in agreement with denying the variance-if you vote against the motion, you are just voting against the motion-not necessarily voting to approve)

ROLL CALL VOTE:

Mr. Willard: No-tight quarters in the neighbors-seeing no one present, he can only assume that there is no harm

Mr. Weil-No-limited space

Mr. Cohen-Yes to the motion –he feels the construction of the shed does not look safe-they did not meet the setback requirements

Mr. Daddario-Yes –setbacks too close compared to 15 ft –there are no trees, it would be crazy to move that shed.

Mr. Leoncio-Yes -too close to the property owners

Mr. Cupersmith-Yes –the setbacks too close

Mr. Senges-Yes to the motion

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Mr. Senges recused himself from this application. Mr. Cupersmith stepped up to chair the meeting.

#### WHARTON ACRES

125 Kresson-Gibbsboro Road

Block 206.16, Lot 36

The applicant is seeking relief from Section 152.015(B) (2) of the ULDO to allow the construction of a single family dwelling on a lot with a lot frontage of 32.75 ft where 100 ft is required. Seeking any other relief deemed necessary by the Board.

Mr. McCrink was before the board this evening for his client, along with Ackerman and Pratt. He was told to find out if they could obtain more property in order to resolve the setback issue that they have before them. They have tried to send notices and speak with the abutting neighbor, who is here this evening and offered him (Fred Newton) the appraised value of the property (30,000.00)-it was a small piece of ground-that would make him able to make the 100 ft frontage-he respectfully and pleasantly stated he was not interested and they are back here tonight-it is a beautiful piece-nothing wrong with it-they would like to add one more home to this area. They put in water, sewer, and electric utilities and basically near 30-50,000. It is a buildable lot it just doesn't have the frontage. As it stands now-the empty lot is just open space.

The applicant stated that they approached Mr. Newton by mail and offered him by the appraised value a substantial amount of money to obtain land from him and he is not willing to sell to them.

Mr. Charles Pratt 2702 Captain's Way, Juniper Park, Florida-he was sworn in for testimony.

It is approximately ½ acre.

Mr. Platt asked –how did it come about with the shortage for the front. The property was bought by Mr. Barney-Mr. McCrink thought he was told it was preexisting-pre 1999. Mr. Platt wanted to know the lot frontage before it was purchased-they believed the ordinance/zone was changed. Mr. Platt stated that this was not always its own lot-the mother lot presumed-how did it get to this configuration. They did not know that answer.

They went through Remington and Vernick and Tom Walicky who is an inspector there when doing the bond and getting off bonds to do these improvements to this lot before finishing up with that subdivision. Mr. Platt asked Mr. Pratt-you bought it knowing it was not a buildable lot-he thought it was a building lot. Mr. Platt asked when they bought this lot. They purchased in the early 2000's. They built all the homes out that way. Mr. Willard stated that they built around this parcel-any reason not including in the others. When they started-Mr. McCrink thinks there was a lot that started 10 years ago-to address this issue. Mr. Cupersmith asked how many lots purchased -? The builder has a great reputation.

It is a classical full sized lot –the only thing it fails on is it does not have the frontage per Mr. McCrink. They can't get around this. Mr. Platt asked about any other testimony for experts.

Mr. McCrink stated that they were continued way back them-in reaching out to try to obtain more ground. They sent to Mr. Newton.

Mr. Pratt stated they asked Mr. Newton for the frontage –it is like 67 sq. ft. The total is like 1800 sq. ft of the property. It is an unusable piece of property-it doesn't matter in using this property in the future for whatever he does-it is no useable. Mr. Platt stated that Mr. Newton doesn't have to sell it to you, but the board doesn't know 30,000.00 is valuable. Mr. Pratt stated that the value is per acre basis 709,000 an acre-it is 10 times fair market value-at least. MR. Platt stated that is comes down to the hardship. It comes down based upon the odd irregular shaped lot that it is. Mr. Platt asked if this would be a flag lot. Mc Crink stated that the driveway would be Kresson-gibbsboro road-the house size would be 3500 to 4000 sq. ft –similar to what is out there –successful development-well received. Mr. McCrink stated that if you look at the tax map-Mr. Newton's property is to the right-right off Kresson-Gibbsboro Road. Mr. Platt asked if he owned the corner lot on Kresson-Gibbsboro Road and Cooper-Mr. McCrink stated no-Mr. Newton to the left-lot 206.16/Lot 37. Mr. Newton has small house-outhouse-bulldozers-bunch of construction equipment.

MR. Platt asked Mr. Rohmeyer if he had any comments. He was concerned with the property to the east of the subject lot-the application is identified as lot 35 –give some testimony regarding the driveway that goes to the east. Driveways and the concern of how close together to actual property to the east be asked Mr. Platt? Mr. Rohmeyer stated that you only have 32 ft to bring your driveway in and it will have to be in a perpendicular way.

OPENED TO THE PUBLIC:

Mr. Fred Newton

This started 40 years ago-the driveway over there that you are speaking of is less than 1 ft off the property line-east to the property. Primary driveway to the property.

MR. Platt asked how long as he lived at the property -71 years.

He stated that the dollars and cents in the state of New Jersey do not warrant a hardship case. MR. Platt asked if they offered money to purchase your lot? Mr. Newton stated yes, the first time they gave none, the second time it was offered 30,000. Mr. Platt asked if he was opposed to this application or are you in support of this application. HE stated he is opposed to this application-he stated it does not conform. Mr. Platt asked if a house built-what is the effect on his property. Mr. Newton stated that they sent him a sketch of where the house would be at-also that they would need square footage to put the driveway in to go to garage from him. Mr. Willard asked MR. Newton if he would be affected negatively-Mr. Newton won't be negative to him-the only thing is that the house would hits on like a hill effect and would look down at his house-over top-even if you're standing on the ground you would look like it's on the top of his house. Mr McCrink asked him a question? Mr. Platt stated it was irrelevant and to throw out. Mc Crink asked Mr. Newton if he tried to buy the property from the township for \$10,000.00. Mr. Newton –if it happened to work out and not have a house next door to him. Mr. McCrink stated he may have a motive to this lot as well.

Scott Akman

He lives in this development. His house he was asked to show on the plan on the lot-he lives in the cul-de-sac-record reflect that A-3 exhibit-it is the property to the west and to the rear of Mr. Newton's property. He has lived in the community for a little over 30 years now-bought the house in 2006 as part of the selling process and it was represented from the applicant, that it was a non-conforming lot and it would not be sold-Mr. Kirk Pratt told him this information-Liberty Bell Travel-related to Mr. Pratt asked Mr. Platt-he stated he thought it was his son. There was a lot of seclusion and trees. They were worried about noise-he sat in the back of the house with his daughter listening for traffic he was concerned-they sat there for hours. Ultimately they made a decision to buy the house based upon what was going to be there-he does not know what changed in that regard. They received a letter a year ago about obtaining an easement to build a driveway –which would have gone thru his lot in the front-facing his house it would be to the left-6 ft driveway it would abut to his driveway. He stated that there is a profit motive and he doesn't begrudge anyone to make money for a living-this to him was not a hardship. He believes that this would be to his expense. He felt that nothing has changed. He stated that there is no one ever over on that lot –it is not an eyesore, but it's not something that I would not be proud of. Mr. Platt stated that there is not a hardship-when they acquired it –when they acquired it –it was a non-conforming lot. Mr. Akman stated that it is part of the selling part to buying this lot-this is a spec house. He has been in this community for 30 years-he is active in community; he knows some of the members on the board. He has been in business for a long time. He stated that in all the years of dealing with people in business he does not remember anyone with less integrity than they did with this particular transaction. He is disappointed-he would like to see the board deny this application.

Mr. McCrink stated that you are one of not a fan of the builder. He bought the home and likes his home-it was about the process of buying the home-it was a very troublesome transaction. He did retain an attorney for the closing, but there was no litigation. Mr. McCrink wanted to go over this with him.

SHORT RECESS -5 MINUTES

Mr. Ackerman was asked to go over the easement-they were told to put the utilities in the easement-they were bonded for this improvement. The easement was part of their approvals. The lot is partially improved.

They put the surveying pin in each corner of their lot with their name on it-it is part of their signature when they build their home. This lot was part of the package. They have done everything that they could address them. There are multiple driveways.