

15 ft for the basketball court ; the lot clearing-they reduced to 85.4 on lot 64; proposed replacement trees-anything 5" in diameter will be replaced; they will meet the 70% -lot on 64. Remaining variance – existing grill; requested waiver for landscaping-a landscaping plan was eliminated.

John Parker, the applicant and owner is present this evening and sworn in for testimony.

The engineer, Mike Jeitner from Bohler Engineering went over the revisions to the plan. They did an investigation-they did a tree study-noted –lot 64 the reduction 90% are now 85.4. The exhibit A3-colored exhibit-existing conditions May 5, 2015-describes –area along the property line what will remain. After improvements –there will be plantings-any tree 5" in diameter will be replaced. This will be now under 70%; they are installing substantial grass; other than the pool and basketball court will all be lawn area-and the sloped area adjacent to that. Most of the lot will be brought back to vegetation-knowing the homes in the area –it is a less intense use if this lot was to be sold and have a home built on it. The basketball court is in 4 ft into the 15 setback-they are asking for a slight variance-this is adjacent to open space. The exhibit Main Line prepared by James Maddoni 1999-approved subdivision for this overall subdivision-noted to be preserved as Open Space. The other changes to the plan-significant landscaping around the perimeter of the lot. The swing gate will be in the front for emergency vehicles. The grading plan revised to address the engineer's comments. The fence adjacent lot 66-the fence was suggested to fix-they will take that fence and bring back to be on the property line. This will all be within the consolidated lot. There was a request on retaining walls –they will supply that information to the engineer. They provided architectural details in 3 D as to the look of the pool house for their packets-elevations of the pool house-A5-3 page exhibit. The illustration was given to Mr. Parker to describe –it is not a living area; will not be lived in or rented out to put on record as per his legal counsel due to the fact that this was a question asked at the last hearing. It will be a function for the pool –they are looking for water and sewer to have a sink and washer and dryer for the towels; bathroom facility-yes there will be and construction permits are required and they know of this information. The proposed fence on lot 65-they are maintaining 17.4 to keep from the previous fence; it will be a flat surface for the fence on the top; the placement of the pool and other items are appropriate for the unique topography of this lot. There is limited impact to the neighbors. Mr. Platt asked about lighting for basketball court. Mr. Burns stated that Mr. Parker will go over the lighting. The grill has been many years 7-8 years-the setback is different because the fence location was incorrect. Doug Rohymeyer wanted to make sure the pool house –heating or air conditioned? Mr. Parker stated he hasn't designed yet. It cannot be living quarters-Mr. Parker stated it is a pool house strictly. It is a 900 sf pool house. Mr. Rohymeyer wanted to know about the apron and sidewalk. The sidewalk will be extended; they are not removing the apron-they have to keep for lot 64-there is a depressed curb; it would be for landscaping equipment; in connections with the improvements that are before the board. The board suggested to relocate the gate-landscape equipment is questionable; it would be unsightly. Mr. Platt asked the fence gate at the location. They will have an 8 ft double swing-it will be consistent with lot 65. Doug asked about the lighting for the basketball court-regular pool lighting-lights that go over the basketball nets so you can play at night. It will be a single and the lighting would face down-shields it would be downward facing; Doug stated if directed down; he is okay with it; Doug wanted opinion of the retaining wall in proximity to the pool itself (8-10 ft) on the tie back system. It will be a wall outside of the pool southern portion-structural with footers, concrete and rebar-design of the pool-the wall structure will be submitted to the board engineer for their review. Mr. Senges stated that the revision is appreciated; the adjustments to the plan is appreciated. Lee Cohen wanted to know about lighting around the pool house-it is consistent. Mr. Senges asked Doug if he is okay with the landscape plan and he stated he was. Mr. Burns thanked the board for this consideration.

OPENED TO THE PUBLIC: SEEING NONE

The board solicitor stated he will go over the conditions:

Number of variances-include front yard setback for the fence that will continue from 65 and 64 with the same height to match

Side yard setback for the basketball court 11 ft from 15 ft.

Clearing limit 85.4 where 70% is required. The applicant has agreed to replant trees 5 inch or greater subject to CME approval.

Patio grill 3 ft previously approved 6 ft where 15 ft required.

Consolidation of lots into 1 lot.

Waiver for the landscaping plan-there is tree replacement plan that the board engineer reviewed (approved by board engineer).

The top of the fence will be flat.

April 2nd 2015 CME review letter will comply.

Agreed to extend sidewalk across lot 64-curb already exists.

Applicant requesting maintain lot 64 driveway apron-they will relocate a fence swing gate (8 ft wide) –is for the use of the lot for the intended for the pool areas/recreational areas.

Applicant has requested lighting (single fixture) on the back of the basketball court –downward and shielded. Approved by the board engineer.

Installing a retaining wall-southern portion of the plan-structural-it will have to be certified structural soundness-zoning board engineer to review and approve. (Calculations and details by CME).

Low voltage walkway lighting for the pool house and around the pool. All other lighting residential style for the pool house.

Doug reviewed the landscape plan (buffering) he felt buffering is adequate. Doug reviewed the exhibits May 7, 2015-they don't need the waiver. The landscape plan has been reviewed and he stated he is comfortable with the plan.

A motion was made by Mr. Cohen Seconded by Mr. Willard

ROLL CALL VOTE:

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

NAYS: None

NEW BUSINESS:

BHATT

7 Fairway Drive

Block 222, Lot 4.02

The applicant is seeking a bulk variance from Section 150.10 of the ULDO to permit a 3 car 946 square foot attached garage where the maximum size permitted for a 3 car garage is 800 sf. Mr. Bhatt was sworn in for testimony.

The applicant was before the board this evening Mr. Bhatt he resides at 12 Village drive currently and is this is new construction for their next home. He stated that he needs more room due to the fact that they have lawn mowers, kids' stuff, and storage items. The board solicitor mentioned to the applicant the need for a storage shed down the road. The applicant stated that the garage area that they are looking to add on should be sufficient

OPENED TO THE PUBLIC: SEEING NONE THE PUBLIC PORTION WAS CLOSED.

Mr. Platt wanted to know if he has storage sheds for in the future. Not planning for that-maybe a small one for the lawn equipment. Mr Platt stated you should consider a shed that meets with code; you are asking for an extra garage and a storage shed in the future should be consistent with the code. Mr. Leoncio stated that it will have a closed normal garage door.

A motion was made by Mr. Weil for the additional garage; Seconded by Willard for the application submitted.

ROLL CALL VOTE:

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

NAYS: None

GALA

9 Burnham Drive

Block 213.07 Lot 23

The Chairman recused himself from application because of a conflict, our Vice Chair was absent. A motion to appoint Bob Weil as the temporary Chairman for this application was made by Mr. Cohen: Seconded by Mr. Willard. None opposed. The remaining voice vote in favor.

The applicant is before the board this evening in seeking relief from Section 152.015(D) (3) and 152.015 (J) (6) of the ULDO to permit the paver patio to remain as constructed with a side and rear yard setback of 5 feet where 15 feet is required. Seeking any other relief as may be deemed necessary by the board and/or its professionals.

Mr. Gala (1308 White Horse Road) is before the board and was sworn in for testimony.

The patio is under consideration was built 14 years ago and he never thought there was a setback for installing this with the contractor. They sold their home and had to get all the inspections from the township. This is when this issue came up. The inspector came –they realized it did not meet the requirement-they removed the lighting and the fountain. The paver is ground level. Essentially it is 10 ft fence-it really adds to the lawn and the benches and they have a lot of landscaping based around the patio. Mr. Weil stated it is a variance just for the patio. How long has it been there? Mr. Cohen stated he was out at the site to review and it is at least 12 years. Mr. Weil asked if any impervious coverage issues. Stuart stated there is a comment in the review letter regarding timber walls-Doug told Mr. Gala to look at the survey –March 24, 2015-the outer perimeter of the building itself-double line that states timber wall-his question-what is the material. Mr. Gala stated that it is river rock stone-it is a pervious surface that would allow water to flow. The overall property is in line with the impervious. Doug Rohmeyer asked how to access the patio-from the house-go down siding room to deck to the patio. Doug stated that the applicant is referring to the deck on the southern side-looking at the left from the street. There is a gate on the side of the yard. The wood deck is elevated-how to get down to the patio-Mr. Gala stated steps. Steps down to the deck to the patio. Doug asked if the steps in good condition. The raised platform –less than 2 ft height. Doug asked if in poor condition-Mr. Gala stated in very good condition. Mr. Weil asked will you agree to maintain the deck in a good condition; Mr. Gala stated the house was sold already and the steps before they moved out of home; they were in good condition-it is only a couple of steps. The deck is only 30 inches in height. Mr. Platt stated this is a board of adjustment-they grant relief from this condition; however he stated it appears that the steps are not in compliance with the construction code and the board has nothing to do with this. The board can't be blind to it; it is suggested to him that there may be indication that the construction official to make sure that it is all in good condition.

The people have been issued a certificate of occupancy. Mr. Platt stated that we don't deal with this. It is a legitimate to grant you the side yard for the patio is the zoning board. The construction for the deck was pre-treated wood; Mr. Platt stated that the buyer has a home inspection and that is their issue. Mr. Platt doesn't want to get involved in the seller and buyer issue. Mr. Gala stated that they got a home inspection for the inside and outside. Mr. Platt stated that may be requirement of a construction permit-patio only there is a requirement to make sure the patio slopes properly and no water issues. It has never been inspected to his knowledge. Mr. Platt stated he may have to have the patio looked at by the construction department. The grading checklist may have to be looked at for the patio. Mr. Platt stated if the board grants the patio you may have to have the construction department look at the grade to make sure it is okay. 15 ft side and 15 ft to the rear was the requirement of building the patio. Mr. Platt called his wife up to the podium-Mrs. Gala was sworn in for testimony-1308 White Horse Road, Voorhees. She is his wife. The brick patio ground ; was told the pavers were removable. Mr. Platt stated that under their definition it is a patio and it does require a variance. She understands it now, but at the time she didn't realize it when they installed the patio. Mr. Platt asked her if there was any complaints for too closeness, drainage, noise issues ever told to her when she lived there. She stated never. She stated that this situation came up when selling the house.

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Mr. David Berman and Mrs. Lynne Berman

9 Burnham Drive

Mrs. Berman stated she is a current owner. She stated that they are not in support for the variance. The patio issue was told to them 3 days before closing; they signed a paper to give permission to go before the zoning board. They did a home inspection during a snow storm; the patio was covered debris. As they moved in and started to clean up –they discovered the steps are unlevelled; incorrectly spaced. They have a safety issue; they have a liability with others. She stated the steps are built into a ramp-steep pitch would technically require a third step-from the estimates that she has gotten from a contractor. She stated the bottom step exceeds 8-or 9 inches –set on concrete –they have pictures with them. Mr. Platt stated that it is wrong place to bring this up-it's all legal issues. What the board is tasked with is to approve the zoning application –certain structures can't be too close to the property line-it is too close to the property line on the side and rear by 10 ft. The items that she was bringing up is not relevant to tonight's meeting. Mr. Platt asked if they closed on the property already-she stated yes. Mr. Platt is not saying it is not correct in what she is saying; she can go to the construction department. Any of the issues they are no relevant to these issues. Mrs. Berman stated that the edging of the patio and parts of the patio are breaking and disintegrating. To restore erosion it should be fixed. They are worried about future problems and future problems with the neighbor. They wanted the grading plan by an engineer. She was asked to appear this evening as the new owner. Mr. Platt stated that she should speak with Mr. Murray the construction official regarding the slope and maybe their department would look at it internally. The board members are volunteers and they live in town. If this application was denied Mr. Platt stated –what would be the benefit if the paver patio had to be removed? Mrs. Berman stated if denied they would remove? Mrs. Berman stated that they want the patio removed. Mrs. Berman the access to the patio is the deck and step which is the safety. She would be okay-she would then have the ground restored and graded back to normal. Mr. Platt stated that if the variance is denied and no appeal-the township they would tell the owners that they have to remove the patio-or they will be fined-this is another department that would follow up with this decision to not encroach in 15 ft setback. Mr. Platt stated that be careful what you wish for it's a private matter between the seller and you. Mrs. Berman stated the whole thing is encroaches –so it would be the entire patio. Mr. Quraishi asked how many times you visited this property- it was all there, the patio, the steps, etc. He asked did you get a certificate of occupancy. It was told that they had to go to the board for a variance in order to sell the house. Mr. Quraishi stated no neighbors ever complained to the seller. You accepted it all –why did you buy it? Mrs. Berman stated they signed the paper-TCO –they knew this was a question-indicating to state their case to let the board know to keep the patio or not. Mr. Willard stated that you were waiting for your day in court to keep the patio or not. Mr. Willard stated if they say –he takes out- Mrs. Berman stated that they don't want to rebuild the patio. Val Marchitto gave Stuart the temporary certificate of occupancy document that was in file. Mr Platt read into the record the temporary c/o –A check for 5,000 be held in escrow will be held until the hearing date. Buyer and seller are aware this is not a guaranteed approval. Both buyers and sellers to appear at the hearing. Mr. Platt stated that if this approved; the patio can remain in the location –it may go back to the construction for inspection and upon that it may trigger other inspections that it may face. The patio if removed –it will have to almost the entire patio be removed to take out the encroachment-a ramp to the ground? The ramp and the step is limited jurisdiction; it doesn't mean ignoring the safety. Mr. Platt stated this happens often on a change of ownership-it's not unusual. Mr. Platt stated that you have a right to complain to the construction official about anything. Mrs. Berman said this came to light 3 days before-the home inspector doesn't look at edging of patio and there was snow and debris. She wanted to know why here and not construction. Mr. Willard stated that the patio is out of bounds-no one in construction – saw this. Mr. Platt stated that the construction department will make sure the patio is not a tripping safety issue. Mrs. Berman stated that the edge of the patio –she has an issue. Mr. Platt stated that the issues are with the sellers it is with the sellers-nor does he want to give them legal advice. Mrs. Berman stated the escrow money is for removal for the patio-to cover this issue or to be if it remains to make sure the money will make sure it is in compliance. Mr. Platt stated that if approved-there will be a resolution. Mr. Berman asked will it be inspected? The board can urge and recommend-it's already built. Mr. Platt asked if the patio is flat and level. Mr. Cohen stated that when you come down the steps-it has a curve-Mrs. Berman stated the most level area is where the fountain was-as you walk on it –it's unlevelled. Mr. Quraishi stated everything settles-there is only a concern of the setback. There was no complaints for 10-12 years- it is not us. Mrs. Berman showed pictures P1, P2 and P3 and said the patio and deck and it was not how they initially saw the condition. Mr. Platt –stated the edges and the step to make level-he said this is not the condition that it was left in-that is what he was told by Mr. and Mrs. Berman (the pictures were taken last week); this was taken after the debris was taken away, uncovered leaves and bags of debris that they cleaned up. Mr. Platt stated P3 (the step) is higher; Mr.

Platt was going to suggest to make the repairs –the step area flat and the patio. Mrs. Gala and Mr. Gala A1 and A2 are photographs they have. P1, P2 and P3 pictures. Mr Platt stated he was going to ask –it’s hard to tell –are you willing to repair these issues in P1, 2 and 3; the board doesn’t have authority. Mrs. Gala wants to know what issues she has; they visited their home three times. Mr. Platt asked the board to have the applicant and the buyer work out these issues; to discuss these things. Mr. Willard wanted to know if the patio is offensive to you. Mrs. Berman stated it is the condition. Mr. Platt asked are you interested in trying to figure out for the safety of their family. Mr. Platt stated if you don’t, you don’t have to do this; no way, just vote on my application. Mr. Willard stated they will allow you to come back at the next meeting-June 11th, 2015. Mr. Platt stated he doesn’t want to be dragged into a litigation issue? Vote tonight or postpone? Mr. Gala stated that he feels uneasy and he would like to work out. Mr. Gala and Mrs. Gala have lived her long time and have enjoyed their home and was happy; their children are grown; they reside in town after selling their home. They are professional people. Mr. Weil stated that it is getting late; they would like to postpone and work this out in two weeks. This can go on June 11th and they can give a decision that evening; Mr. Gala and Mrs. Gala-all are in agreement.

Motion to Mr. Cohen; Seconded by Mr. Quraishi to hear this application on June 11th-continued and at that point –the board will be ready to vote on the application and the Berman’s withdraw their objections. There will be no further notice for this application; the meeting starts at 7:30.

A motion was made to adjourn the meeting.

Valerie S. Marchitto, Board Secretary