The Chairman called the meeting to order and stated it was being held in compliance with the “Open Public Meeting Act” and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Troy Brocco, Mr. Neal Cupersmith, Mr. John Daddario, Mr. Manny Leoncio, Mr. Len Patton, Mr. Robert Weil, Mr. Hal Willard, Mr. Jeff Senges

Absent: Mr. Lee Cohen

Also, present, Mrs. CherylLynn Walters, Board Solicitor, Mr. Bennett Matlack, PE, CME, CFM CME Associates, Mr. James Clarkin, Staff Planner CME Associates, and Corrine Tarcelli, Zoning Board Secretary.

**APPROVAL OF MINUTES**

Mr. Weil motioned to approve the minutes from March 23, 2017; seconded by Mr.

Daddario. Motion carried by the assenting voice vote by all board members.

**MEMORIALIZATION OF RESOLUTIONS**

Corrine Tarcelli as Zoning Board Secretary

Resolution No. 17-12

**NEW BUSINESS:**

**Evesham Medical LLC**

1605 Evesham Road

Block 149.03, Lot 6

Case #ZC2016-018

Seeking approval for Use Variance to permit the existing part-time art studio use to remain in the basement of the property located at 1605 East Evesham Road. Open and carried from 2/9 and 3/23 Meetings seeking a Use Variance from Section 152.005 and relief from previous Use Variance conditions granted under Resolution Numbers 03:58 and 01:51 to remit the existing part-time art studio use to remain in the basement of the premises wherein the basement was only approved for computer room, conference room, lunchroom and storage, seeking any and all other Variances and Waivers as requested by the Board.

Mr. James W. Burns, Esquire of Dembo, Brown and Burns LLP, was present to represent Evesham Medical LLC. Clifton Quay, Senior Principle, Stantec and Linda Casario, Owner of Art Studio, were sworn-in to testify.

The art studio was existing at the property when Evesham Medical purchased the property. The property was purchased in October, 2016. Evesham Medical was notified the art studio existing on site did not receive approval to operate and were advised to terminate the use or seek Use approval from the Zoning Board.

The applicant is of the opinion that the art studio is providing a beneficial learning experience to the students most of whom are children. Rather than simply terminating the lease they endeavored to file the application to help the Art Studio and its owner remain in the property.

The art studio is a part-time art studio operating in the evening and Saturday. The use does not conflict with any of the day time uses that occur at the building.

Jeff Senges questioned Linda Casario as to whether or not there have been any complaints from residents regarding the use of the studio. Linda indicated they have not received any complaints. The name of the art studio is Living Creatively Art Studio. The studio has been in operation for three years in October. She holds private art classes for children and adults aging from 7 to 70 from 4 p.m. to 6 p.m. and two evening classes for adults from 7 p.m. to 9 p.m. and Saturday mornings. Classes range in size from five to ten; adult classes about six to seven. The Saturday class is for children from 10 a.m. to 12 p.m. There are also classes for autistic children from 12:30 to 1:30 on Saturday. Linda teaches 40 to 50 students per week. Most of the students are from Voorhees, Cherry Hill, and Marlton. Average distance the students travel is within two miles. The children are either dropped off or they car pool. There is concern that Linda would lose students should she move. She needed to find a central area and was not able to find another studio she could afford. The students are never left unattended and there is never any loitering. There has never been any problems with parking since the classes are offered late in the day. There is ample parking on-site for the classes. The studio does not conflict with any other uses in the building. There are no dangerous substances utilized; only utilizes water-based products; no oil based, no aerosols, or varnishes. The studio is 650 sq. ft. The studio is not used during the day for any other purpose. The trash is disposed of at the dumpster in the parking lot.

Requesting the board to allow the studio to continue to remain in its current location.

The applicant is Evesham Medical. Evesham Medical gave their consent for the attorney and Linda Casario to testify on behalf of the applicant.

Clifton Quay satisfied the Zoning Board’s Engineer’s report; the parking on site; survey did not accurately depict the striping on the parking lot; 72 spaces striped on the lot per the original plans, three spaces for handicapped are currently cross striped. The intent is to remove the cross striping in two of the three spaces and have 71 functional spaces which meets the requirements of the parking analysis. Jeff Senges stated the testimony is clear that parking is not an issue. The medical office hours vary. Engineer observed the site during the hours of operations for the art studio and is very confident there is not a parking issue regarding the two uses.

Coverage was depicted to have 44% coverage. There will be no impervious coverage added. It was built as it was originally approved. Forty-four percent was noted.

Clifton Quay stated the purposes of Zoning; 600 sq. ft in the basement; inherently beneficial use and a use that’s beneficial to the community. Supported by the fact that special needs children are taught. Site is ease of drop off; site fits the criteria of being specifically well suited for the use and beneficial to the community. There is no detriment to the public good.

There is signage inside, chalk board in the lobby. The lighting for the parking lot in the evening is sufficient and installed per the original approved plans.

Jeff Senges questioned whether or not the landscaping is properly irrigated which is a separate issue. Open item with no bearing on the case.

The Zoning Board’s Engineer would be hesitant to classify as inherently beneficial use but agrees that it is beneficial to the community.

The application was opened to the public. Parents and students were present supporting the applicant. Patricia Weist, Stratford, NJ, was sworn in. Patricia’s daughter was a student of Linda’s as a child and is now in college. Linda is her mentor. The art studio is in a great location, offers students a lot of socialization and a wonderful learning environment. Seeing no one further, the public portion was closed.

Mr. Weil made a motion to approve the use of the basement for the art studio variances; seconded by Mr. Willard based on two conditions: Board Engineer will confirm impervious coverage and the applicant will confirm with the Board Engineer the irrigation is in place to sustain the landscaping.

Ayes: Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Patton, Mr. Cupersmith, Mr. Senges.

Nays: None

**Mapin Desai**

9 Lynch Road

Block 213.03, Lot 40

Case #ZC2017-003

Seeking relief from Section 152.015(D)3 of the ULDO to permit the construction of an addition with a side yard setback of 10.25 feet wherein 15 feet is required and relief from Section 152.015(D)2(D) of the ULDO to permit a rear yard area of 29 feet wherein 35 feet is required for handicapped accessibility; seeking any and all other variances and waivers and/or other relief as may be deemed necessary by the Board.

David J. Markowski, RA, LEED AP, M3 Architectural, LLC, Mike DeLuca, Contractor, and Mapin Desai were sworn-in to testify.

Mr. Markowski provided his credentials to the Board to be accepted as an Expert. Mr. Markowski provided expert witness testimony on the Planning/Zoning Board in Cherry Hill and southern New Jersey. Mr. Markowski was qualified and accepted as an expert in the field of Architecture.

Mr. Desai has lived in Voorhees on 9 Lynch Road since 1993. Mr. Desai and his wife enjoy living in Voorhees due to the convenience and local medical facilities. They would like to continue to live in Voorhees. Twenty four years ago when the house was purchased the fact that the home did not have a bedroom or a bathroom on the first floor was not relevant. Within the last year, they were involved in an automobile accident. Mrs. Desai injured her back and is managing the pain with Yoga and physical therapy. They decided it would be of benefit to have a full bath and bedroom on the first floor. Looking ahead it would also be of benefit to have the addition handicapped accessible.

Due to the fact that the lot is an odd shape, the addition would require relief from the side yard setback variance which is 15 feet required, wherein the addition would require 10 feet and relief of backyard setback requirement from 35 feet to 29 feet.

Mr. Senges indicated there is a hardship or a need due to Mrs. Desai’s physical limitations. He questioned Mr. Markowski, the Architect, as to why the addition was designed the way it was and whether or not the addition could be added to minimize the change in variances. Mr. Markowski indicated architecturally it is not feasible to design the addition to meet the handicapped accessibility requirements, larger doors, wider room to easily move about in the bedroom and bathroom without having the variances changed.

Mrs. CherylLynn Walters requested clarification for the Board for the Record. She indicated the other side of the house is further from the property line and requested explanation as to why the addition was not placed on the opposite side. Mr. Markowski indicated that it is not desirable to have a first floor master suite next to the garage. Mrs. CherylLynn Walters agreed stating it is more desirable and possibly safer to place the addition opposite the garage.

The concrete patio is considered an accessory use and permitted in the backyard up to 25% and is in conformance.

Currently there are four bedrooms in the home; parking supports the addition of a fifth bedroom.

Regarding the grading requirements to change the elevation of the backyard, french drains are present and a retaining wall, therefore additional grading requirements are not necessary.

The meeting was opened to the public. Pamela Moucha, was sworn in. Mrs. Moucha lives on the street behind Mr. Desai. She indicated that she was there simply out of curiosity. She indicated that the Desais were very nice people. She wanted to look at the plans to see what was being done and her and her husband were thinking the same may be of benefit to them at some point in the future. Seeing no one further, the public portion was closed.

Mr. Weil made a motion to approve relief from Section 152.015(D)3 of the ULDO to permit the construction of an addition with a side yard setback of 10.25 feet wherein 15 feet is required and relief from Section 152.015(D)2(D) of the ULDO to permit a rear yard area of 29 feet wherein 35 feet is required for handicapped accessibility; seconded by Mr. Willard.

Ayes: Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Patton, Mr. Cupersmith, Mr. Senges.

Nays: None

Seeing no further business Mr. Weil makes a motion to adjourn, seconded by Mr. Willard.

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Corrine Tarcelli

Zoning Board Secretary