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. Brocco, Mr. Daddario, Mr. Patton, Mr. Weil, Mr. Willard, Mr. Senges

Absent: Mr. Cohen, Mr. Leoncio, Mr. Cupersmith

Also, present, Mrs. CherylLynn Walters, Board Solicitor, Corrine Tarcelli, Zoning Board Secretary, Mr. Ben Matlack, Board Engineer.

**APPROVAL OF MINUTES**

Mr. Weil motioned to approve the minutes from November 9, 2017; seconded by Mr. Willard. Motion carried by the assenting voice vote by all board members.

**RESOLUTION**

Mr. Weil motioned to approve the Resolution for Stephen J. Agace, presented before the Board on November 9, 2017; seconded by Mr. Willard. Motion carried by the assenting voice vote by all board members.

**NEW BUSINESS**

**T&A Properties LLC**

4 Abbett Avenue

Block 275, Lot 1.01

Case #ZC2017-021

Seeking a Use Variance relief from Section 152.082 of the ULDO to permit the construction of a 2 1/2 story residence in a Business Zone, seeking a Bulk Variance relief from Section 152.085(A) to permit an existing lot size of 12,500 square feet where 20,000 square feet is required, seeking relief from Section 152.085(C)(1) to permit a 30 front yard setback where 100 feet is required, seeking relief from 152-085(C)(2) to permit a 31 rear yard setback where 100 feet is required; seeking relief from Section 152-085(C)(3) to permit a 17 foot side yard setback where 50 feet is required to property lines abutting a residential use. Seeing any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Michael J. Ward, IV, Esquire and Applicant’s attorney introduced Mr. Thomas Taylor, sole proprietor and owner of the Applicant, T&A Properties, LLC and Louis Marchuk, PP, PE, PLS, the Applicant’s engineer, planner, and surveyor. Both Mr. Taylor and Mr. Marchuk were sworn in to testify.

Various documents were entered as exhibits for review and consideration by the Board including Use/Bulk Variance Plan dated August 24, 2017, Plot/Grading Plan dated December 12, 2017, a Plan entitled Residence dated March 17, 2017, a black and white aerial photograph of the property, a copy of the Township of Voorhees Planning Board Resolution No. 95-05, pertaining to Application No. PC 94-045 adopted February 22, 1995, the Board Engineer’s report dated November 2, 2017.

Mr. Ward summarized the application. He indicated the property located at Four Abbett Avenue was formed in 1995 by way of a subdivision approval granted by the Voorhees Township Planning Board. The Applicant purchased the property with the intent to construct a single-family home as originally intended at the time of the 1995 subdivision. The location of the property is oriented towards the adjacent commercial use on County Route 561 (Haddonfield-Berlin Road). He stated although a single family home placed on this property was not inherently beneficial, it was consistent with the neighborhood and the property was suitable for that use when compared to the surrounding uses. Mr. Ward also stated the bulk requirements applicable to the B Zone applied to the property and therefore the Applicant also required bulk variance relief.

Mr. Taylor, the sole owner and proprietor of the Applicant, testified under oath. He is a police officer employed by the Township of Voorhees. He indicated that he has been involved in the business of rehabilitating and constructing houses in his spare time for approximately nine years. He stated he purchased the property approximately six months prior with the intention to build a single-family home. The proposed model was previously built in other locations within the Township and in Maple Shade. Mr. Taylor stated the proposed property frontage of 125 feet complies with the minimum lot frontage requirement of the B Zone, however, the minimum lot size requirement in the B Zone is 20,000 square feet where the property was only 12,500 square feet. He also stated the front yard and rear yard setback requirements could not be met because the setback requirements resulted in almost no building envelope. He further stated the house was proposed to be constructed closer to the westerly side of the property in order to accommodate connection to the Berlin Township sewer system without being forced to extend the sewer main down Abbett Avenue to the property. The proposed proximity to the westerly property line was necessary for the existing gravity main to work as intended.

In response to questions from the Board, Mr. Taylor stated he would increase the front yard setback from 25.5 feet to 30 feet to satisfy the ULDO setback requirement and eliminate the need for a front yard setback variance.

With respect to the sidewalks, Mr. Taylor indicated he was prepared to install sidewalks if required by the Board, however, he preferred to not install sidewalks as there were very few other sidewalks nearby on Abbett Avenue and Lafayette Avenue. A sidewalk on the property would essentially be a sidewalk to nowhere and would serve only to create an inconsistent appearance in the neighborhood. The Board stated the Township had adopted a ‘complete streets’ policy under which the installation of a sidewalk on the property would not be considered a high priority because a sidewalk would be unnecessary from a safety point of view and it would be isolated from any other sidewalk connections in the area. The Board stated relief from the 1995 sidewalk condition of approval and the current Voorhees Township code requirement to install sidewalks would be appropriate under these circumstances.

Mr. Taylor stated the home is 1,800 square feet and contains four bedrooms, two and half bathrooms, and an attached two-car garage and the home would be consistent with the other homes in the neighborhood. He stated gray siding would be installed on all sides of the home and the lawn would be fully landscaped. Mr. Taylor stated there are three trees on the property and they would not be removed as a result of building the home. Mr. Taylor added based on conversations he had with neighbors, the neighbors welcome the construction as they are primarily concerned with alleviating a longstanding nuisance condition in the form of noise created by people using the property to access the Tri-Boro sand pit with vehicles, ATVs and dirt bikes.

Mr. Marchuk, PP, PE, PLS, testified under oath on behalf of the Applicant. He was qualified as an expert in the fields of planning, engineering and land surveying. Mr. Marchuk testified that he is familiar with the property and he knows the area well. He stated that a single family home is consistent with the neighborhood and that the property is suitable for a single family home. He stated the property is approximately 200 feet from Route 561 located on a dead-end road leading towards unimproved Lippard Avenue. He also stated there were no sidewalks in the area and that the block in question contained three residences and three vacant lots. In his opinion that a residential addition would fit well within what is already a residential area. He also stated he felt as though the property was not conducive for a business use and that it was particular suited for residential use since it was on a dead-end street in an otherwise residential neighborhood. He also stated the lot size was not large enough to accommodate a business.

Mr. Marchuk stated with respect to the bulk variances, the permitted building envelope was not feasible on the property because the requirements impose a 100-foot rear yard setback where the lot depth is only 100 feet. Regarding negative criteria, Mr. Marchuk stated there would be no substantial detriment to the public good and that construction of an additional single family home in an otherwise residential area would actually be beneficial.

The meeting was opened to the public. Seeing no one, the public portion was closed.

Mr. Weil made a motion to approve relief from Section 152.082 of the ULDO to permit the construction of a 2 1/2 story residence in a Business Zone, seeking a Bulk Variance relief from Section 152.085(A) to permit an existing lot size of 12,500 square feet where 20,000 square feet is required, seeking relief from Section 152.085(C)(1) to permit a 30 front yard setback where 100 feet is required, seeking relief from 152-085(C)(2) to permit a 31 rear yard setback where 100 feet is required; seeking relief from Section 152-085(C)(3) to permit a 17 foot side yard setback where 50 feet is required to property lines abutting a residential use. Seeing any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals; seconded by Mr. Willard.

**T&A Properties LLC**

1005 Lafayette Avenue

Block 275, Lot 3

Case #ZC2017-022

Seeking a Use Variance relief from Section 152.082 of the ULDO to permit the construction of a 2 1/2 story residence in a Business Zone, seeking Bulk Variance relief from Section 152.085(A) to permit an existing lot size of 12,500 square feet where 20,000 square feet is required, seeking relief from 152.085(C)(1) to permit a 30 front yard setback where 100 feet is required, seeking relief from Section 152.085(C)(2) to permit a 31 foot rear yard setback where 100 feet is required, seeking relief from Section 152-085(C)(3) to permit a side yard setback of 17 feet where 50 feet is required. Seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Ward stated the applicant is the owner of the property located at 1005 Lafayette Avenue situated in the B Business Zoning District. The property is a 12,500 square foot property with dual frontage on Lafayette Avenue and Green Avenue. Currently the property is vacant and unimproved. The previous owner subdivided the 1.99 acre site into four lots in 1995 pursuant to Voorhees Township Planning Board Resolution No. 95-05. Prior to the subdivision, the property was located with the R-100 Residential Zone. The property was then re-zoned to the B-Business Zone. The Applicant would like to construct a single-family home on the property which is not a permitted use in the B Zone.

The Applicant is also seeking relief from Section 98.01 of the Voorhees Township Code and from a condition of the prior subdivision approval requiring installation of sidewalks along the front of the property.

Various documents were entered as exhibits for review and consideration by the Board including Use/Bulk Variance Plan dated August 24, 2017, Plot/Grading Plan dated December 12, 2017, a Plan entitled Residence dated March 17, 2017, a black and white aerial photograph of the property, a copy of the Township of Voorhees Planning Board Resolution No. 95-05, pertaining to Application No. PC 94-045 adopted February 22, 1995, the Board Engineer’s report dated November 2, 2017.

Mr. Ward summarized the application. He indicated the property was formed in 1995 by way of a subdivision approval granted by Voorhees Township Planning Board. The applicant bought the property with the intent to construct a single family home as original intended at the time of the 1995 subdivision. The property is a block behind the commercial uses that front on Route 561. He indicated a proposed single family home on the property was consistent with the neighborhood and the property was suitable for the use when compared to surrounding uses. Mr. Ward also noted the bulk requirements applicable to the B Zone applied to the property and therefore the applicant also required limited bulk variance relief.

Thomas Taylor, the sole owner and proprietor of the Applicant, testified that he is a police officer employed by the Township of Voorhees. He indicated that he has been involved in the business of rehabilitating and constructing houses in his spare time for approximately nine years. He stated the Applicant purchased the property approximately six months ago with the intent to build a single family home. The proposed home model was previously built in other locations with the Township and in Maple Shade and was being proposed to be constructed on another lot he purchased in Voorhees located on the same block which was the subject of a separate application before the Board. Mr. Taylor indicated the proposed footprint of the home would be as shown on the submitted plans. Specifically, referencing the Use/Bulk Variance Plan submitted with the application, he indicated the property has frontage of 100 feet on Lafayette Avenue and 125 on Green Avenue which comply with the minimum lot frontage requirement of the B Zone, however, the minimum lot size requirement in the B Zone is 20,000 square feet, whereas the Subject property was only 12,500 square feet. Mr. Taylor also noted the font yard and rear yard setback requirements could not be met because the setback requirements resulted in no available building envelope. Mr. Taylor also indicated the house was proposed to be constructed closer to the easterly side of the property in order to accommodate connection to the Berlin Township sewer main without being required to extend the main and also was necessary for the existing gravity main to work as constructed.

Regarding the sidewalks Mr. Taylor stated he was prepared to install sidewalks if required by the Board, however, he preferred to not install sidewalks as there were very few other sidewalks nearby on Green Avenue, Abbett Avenue and Lafayette Avenue. As such a sidewalk on the property would essentially be a sidewalk to nowhere and would serve only to create an inconsistent appearance in the neighborhood. The Board noted the Township had adopted a ‘complete streets’ policy under which the installation of a sidewalk on the property would not be considered a high priority because a sidewalk would be unnecessary from a safety point of view and it would be isolated from any other sidewalk connections in the area. The Board commented that relief from the 1995 sidewalk condition of approval and the current Voorhees Township Code requirement to install sidewalks would be appropriate under these circumstances. As to the size and aesthetics of the proposed home, Mr. Taylor, testified the home would be 1,800 square feet and contain four bedrooms, two and half bathrooms, and an attached two-car garage and that the home generally would be consistent with the other homes in the neighborhood. In response to questions about compensatory plantings, Mr. Taylor stated there are four trees being removed that were required to be compensated and he agreed, as a condition of approval, to replant four trees on site to satisfy the ULDO compensatory planning requirements.

Louis Marchuk testified under oath on behalf of the Applicant. He was qualified as an expert in the fields of planning, engineering, and land surveying. Mr. Marchuk indicated the property had 100 feet of frontage along the north side of Lafayette Avenue and 125 feet of road frontage along the east side of Green Avenue. Mr. Marchuk referenced the grading plan submitted with the application and after a discussion with the Board Engineer, concurred that four trees were being removed that were required to be compensated and note the Applicant would replant all four trees on site.

Mr. Marchuk also testified with respect to the use variance that he is familiar with the property, he knows the area well and that a single family home is consistent with the neighborhood and the property is particularly suitable for a single family home. He stated the property is within close proximity to Route 561 and locate don a dead end road leading towards the municipal boundary with Berlin Township. He noted there were no sidewalks in the area and the block in question contained three residences and three vacant lots. He stated the residential additional would fit well within what is already a residential area. For the same reasons, he agreed the property was not conducive for a business use and that it was particularly suited for a residential use since it was on a dead end street in an otherwise residential neighborhood and was undersized for the zone. As a result, the lot was not large enough to accommodate permitted business uses and other site plan requirements such as parking. In response to questions from the Board, Mr. Marchuk stated the proximity of the property to the adjacent athletic complex on Lake Avenue made it even more conducive to a residential use. He further stated that a business would be unlikely to select the property for a business site as the adjoining properties both on and around Lafayette Avenue already contained residential uses therefore rendering the site unsuitable for business use.

Regarding bulk variances, Mr. Marchuk noted there was no allowable building envelope because the requirements impose a 100 foot rear yard setback and 100 foot front yard setback, with the lot depth was only 125 feet. With respect to the negative criteria, Mr. Marchuk stated there would be no substantial detriment to the public good and that construction of an additional single-family home in an otherwise residential area actually would be beneficial to the area. He also stated that construction of a single-family home on the property would not substantially impact the Township’s zone plan and zoning ordinance because the location is particular suited for residential use in that the use was generally consisted with the existing neighborhood and the property was not sized or located for a permitted business use. In response to questions from the Board Planner, Mr. Marchuk stated the appropriate population densities and concentrations in the neighborhood called for residential use. He also stated that businesses prefer to be located along the Route 561 corridor because the traffic is concentrated on that road, leaving more appropriate room for non-commercial uses on the properties located behind those with Route 561 frontage. Mr. Marchuk further stated placing a single home on the subject property would not be a detriment to the public because it would not create a high population density and it would be consistent with the Master Plan and the zone plan.

The meeting was opened to the public. Seeing no one, the public portion was closed.

Mr. Weil made a motion to approve relief from Section 152.082 of the ULDO to permit the construction of a 2 1/2 story residence in a Business Zone, seeking Bulk Variance relief from Section 152.085(A) to permit an existing lot size of 12,500 square feet where 20,000 square feet is required, seeking relief from 152.085(C)(1) to permit a 30 front yard setback where 100 feet is required, seeking relief from Section 152.085(C)(2) to permit a 31 foot rear yard setback where 100 feet is required, seeking relief from Section 152-085(C)(3) to permit a side yard setback of 17 feet where 50 feet is required. Seeking any and all other variances, waivers, and/or other relief as may be deemed necessary by the Board and/or its professionals; seconded by Mr. Willard.

Ayes: Mr. Weil, Mr. Daddario, Mr. Willard, Mr. Patton, Mr. Brocco and Mr. Senges.

Nays: None

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

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Corrine Tarcelli

Zoning Board Secretary