

Zoning Board Vice-Chairman Mr. Senges 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. Weil, Mr. Willard, Mr. Leoncio, Ms. Tulman, Mr. Hundal, and Mr. Senges  
**Absent:** Mr. Cohen, Mr. Pannu, and Mr. Cupersmith  
**Also, present:** Mr. Chris Norman, Board Solicitor, The Platt Group; and Ms. Jennifer Gaffney, Board Secretary

### **MINUTES**

May 26, 2022

Mr. Willard made a motion to approve the minutes from May 26, 2022, Mr. Leoncio second the motion.

**Ayes:** Mr. Willard, Mr. Leoncio, Mr. Tulman, and Mr. Senges  
**Abstentions:** Mr. Weil and Mr. Hundal  
**Nays:** None

### **RESOLUTIONS**

#### **Resolution 22-020**

ZC2021-037 LUCINDA & MARK SCHNEIDER | 2805 EVESHAM ROAD | BLOCK: 218.35, LOT: 27  
 Bulk (c) variance approval for proposed generator in a side yard.

Ms. Tulman made a motion to memorialize Resolution 22-020 for ZC2021-037, Mr. Willard second the motion. Roll call vote followed:

**Ayes:** Mr. Willard, Mr. Leoncio, Mr. Tulman, and Mr. Senges  
**Abstentions:** Mr. Weil and Mr. Hundal  
**Nays:** None

#### **Resolution 22-021**

ZC2021-008 PETER GALLO & PATRICIA CAPASSO | 43 LAFAYETTE AVENUE | BLOCK: 295, LOT: 1  
 Bulk (c) variance approvals for various as-built structures (greenhouse, shed, car port) located in the side yard.

Ms. Tulman made a motion to memorialize Resolution 22-021 for ZC2021-008, Mr. Willard second the motion. Roll call vote followed:

**Ayes:** Mr. Willard, Mr. Leoncio, Mr. Tulman, and Mr. Senges  
**Abstentions:** Mr. Weil and Mr. Hundal  
**Nays:** None

#### **Resolution 22-022**

ZC2022-006 MICHAEL WILLEY | 500 FORD STREET | BLOCK: 138, LOT: 1  
 Bulk (c) variance approval for proposed 6' fencing in secondary front yard.

Ms. Tulman made a motion to memorialize Resolution 22-022 for ZC2022-006, Mr. Willard second the motion. Roll call vote followed:

**Ayes:** Mr. Willard, Mr. Leoncio, Mr. Tulman, and Mr. Senges  
**Abstentions:** Mr. Weil and Mr. Hundal  
**Nays:** None

**NEW BUSINESS**

**ESTATE OF CONSTANTINOS PAVLIDES**  
57 Chippenham Drive | Block: 230.12, Lot: 8

MDR/100A

Case #ZC2022-007  
Action Date: 8/9/2022

The Applicant has requested bulk (c) variance(s) from the following Sections:

- a. **152.015 (D)(3)** Where the minimum side yard setback is 15' the existing sunroom is 13.62', and
- b. Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Damien DelDuca, Esq. was admitted as a panelist, Dr. Andreas Pavlides was also admitted as a panelist. Mr. DelDuca summarized the application and shared the survey of the property with the Board.

Mr. DelDuca explained that during the resale of the home, the Zoning Office indicated that there were no permits pulled for the sunroom/enclosed patio, pavers around the pool, etc. Dr. Pavlides has abated the rear yard coverage by removing the pavers in the rear yard.

Mr. DelDuca shared the photos submitted with the application. He illustrated how the sunroom is in line with the house.

Dr. Pavlides was then sworn in. Mr. DelDuca asked historical information of Dr. Pavlides, when he lived in the home, etc. He asked when the sunroom was installed, Dr. Pavlides stated he was unsure as to the exact time, but he graduated from college in 1996 and the party was in the sunroom. Dr. Pavlides also indicated that he tried to track down the builder from Medford and was unable to.

Mr. DelDuca asked for Dr. Pavlides to describe the space, and what would be involved if they were to remove the 16 inches that cause the need for the variance. Dr. Pavlides stated that there are stairs that come down from the basement, there's a tile floor, wood paneling, etc. It is a finished sunroom.

Dr. Pavlides stated that the sunroom is a significant distance from the neighbors and does not encroach on any of their property.

Mr. Norman asked if the deck was already on the house. Dr. Pavlides stated that there was an existing second floor deck when his parents purchased the house in 1980.

Mr. Senges opened the meeting to the public for any questions or comments. There was no hands raised, the public portion was closed.

Mr. Weil made a motion to approve, Mr. Willard second the motion. Roll call vote followed:

**Ayes:** Mr. Weil, Mr. Willard, Mr. Leoncio, Ms. Tulman, Mr. Hundal, Mr. Senges  
**Abstentions:** None  
**Nays:** None

**RAJIV & MARISOL PATEL**  
32 Ashton Drive | Block: 304.02, Lot: 12

MDR-R100A

Case #ZC2022-002  
Action Date: 8/2/2022

The Applicant has requested bulk (c) variance(s) from the following Sections:

- a. **150.12(B)(1)** Where no improvements may be constructed within 5' of the side or rear property line, the existing driveway is ~2', outbuilding is ~8.8', shed is ~1.5' and patio is ~1', and
- b. **150.13(A)(1)** Where accessory uses and structures may not occupy more than 25% of the rear yard area the existing accessory structures and uses occupy more than 25% of the rear yard area, and
- c. **150.13(A)(6)** Where the rear yard setback for accessory uses and structures is 15' the existing shed is located ~1.5' from the rear property line, and
- d. **150.13(A)(6)** Where accessory uses and structures are only permissible in rear yards the outbuilding and part of the patio were installed in the side yard, and
- e. **152.015 (D)(3)** Where the minimum side yard setback is 15' the patio and outbuilding are 6' and 8/8' respectively, and
- f. Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

Mr. Jeffrey Brennan, Esq was admitted to the meeting as the applicant's attorney. The applicant, Mr. Patel was also admitted. Mr. Brennan summarized the application.

Mr. Brennan indicated that the applicant had bid on the home on an online bank auction and found out they won that auction within a week. They applied for a CO and were advised of the outstanding zoning issues. The applicant has already completed various tasks to abate some of the zoning issues they inherited.

Mr. Patel was sworn in by Mr. Norman.

Mr. Senges asked if Mr. Brennan stated that the home was purchased without a certificate of conformance, and how that occurred. Mr. Brennan confirmed and indicated it was purchased through a bank auction.

Mr. Brennan asked for Mr. Patel to explain the purchasing process of the property. Mr. Patel explained that they were looking for a property in the area, his wife received a notification that the house was in foreclosure, and it went live on hubzu.com. 6 days later they purchased it at the end of the auction. He indicated that the bank or hubzu.com had hired a closing company to process the transaction because of COVID. The whole process was extremely unconventional. Mr. Patel contacted Ms. Jaclyn Bradley, Zoning Officer to obtain the CO and that was when he found out that the title company did not obtain one.

Mr. Brennan shared the Deed dated 7/29/2022 with the Board, document was titled Exhibit A-1. Next, the survey of the property, dated 10/19/2021 was shared and titled Exhibit A-2.

Mr. Brennan asked for Mr. Patel to describe the property as it is today, with changes that have been made to abate any of the zoning issues. Mr. Patel stated that today the property has the outbuilding, shed, pond and paver patio. The additional paver patio and hot tub have been removed by the applicant.

Mr. Brennan asked Mr. Patel if there are any other ways in which the previous survey differs from the property today. Mr. Patel stated that several pavers were removed by the hot tub. Mr. Brennan asked if Mr. Patel had placed anything on the property that is referenced on the survey. Mr. Patel stated that he had not and all were put there by the previous owner.

Mr. Brennan shared a photo of the home from the corner of Ashton Drive & Forrest Hills, titled Exhibit A-3. The next photo, titled Exhibit A-4, shows the front of the home and the outbuilding. Mr. Brennan asked Mr. Patel to describe the outbuilding. Mr. Patel stated it was a professionally constructed building that has several windows throughout, flooring inside, French door entry and air conditioning.

Mr. Senges asked the purpose of the outbuilding and Mr. Patel stated that they have not used it yet. He imagines it would make a nice sunroom or game room.

Mr. Weil asked if it had any kitchen facilities or plumbing, Mr. Patel stated it does not. Mr. Weil asked if Mr. Patel has any plans for how he would like to use it. Mr. Patel stated that they aren't sure, but at this point he would believe to use it as a sitting room or small gatherings.

Mr. Brennan asked if he planned to solely use the outbuilding solely for residential purposes and not commercial.

Mr. Senges asked if he would be open to any fencing should it be suggested. Mr. Patel stated that since the photo they have done additional landscaping. Mr. Patel stated that Sturbridge Lakes frowns upon fencing. Mr. Brennan stated that the intention is to leave the outbuilding as is, however if a fence becomes an item needed for approval, Mr. Patel would consider it.

Mr. Senges asked Mr. Brennan if they had any information on how much of the rear yard is occupied by the pavers because in order to grant a variance, the Board needs to know what they are granting a variance for.

Mr. Brennan stated that they listed the requested variances based on the Zoning Permit Denial from the Zoning Officer. He added that it is difficult to tell what the rear yard is on this property as it is a corner lot and is on a bias. Mr. Brennan stated that the rear yard is open to interpretation.

Mr. Senges asked if a grading plan has been completed for this property. Ms. Gaffney stated there is none on record. Ms. Tulman stated that the Board needs to know what the impact of the coverage of the rear yard is in order to decide.

Mr. Brennan stated that the neighbors are on the call, and they can testify that there is no water drainage issues onto their properties.

Mr. Brennan showed the next photo of the outbuilding taken from the rear yard, titled Exhibit A-5. Mr. Patel confirmed that the photo is of the entrance of the outbuilding and is taken from the rear yard. Mr. Patel also indicated that there are evergreens that provide privacy for the neighboring properties. Mr. Weil asked if the neighboring property is Lot 13. Mr. Brennan confirmed that to be correct.

Mr. Brennan shared the next exhibit, a photo of the shed and pavers in the rear yard, titled Exhibit A-7. Mr. Patel stated that it's used as additional storage. Mr. Weil asked if there was electric, or plumbing connected to the shed as there looks to be an electrical box. Mr. Patel stated the only electric on the shed is the exterior and that he believes the electric box controls the electric for the lights for the landscaping.

Mr. Brennan showed the next photo titled Exhibit A-8. The photo showed the pond. Mr. Patel explained the layout of the pond. Mr. Brennan shared the next photo titled Exhibit A-9 that shows the front visual of the pond.

Mr. Brennan shared the next photo titled Exhibit A-10. Mr. Patel explained that the photo depicts the entrance to his rear yard from Ashton Drive.

Mr. Brennan moved to the next photo titled Exhibit A-11. Mr. Patel described the photo as the side of his property looking onto his neighbor's property with the evergreens and landscaping acting as a natural privacy buffer.

Mr. Brennan shared the last photo titled Exhibit A-12. Mr. Patel described the photo as his driveway from the Ashton Drive side leading up to his garages.

Mr. Brennan asked Mr. Patel to confirm that he removed the hot tub and patio that carried over onto the neighboring property. Mr. Patel confirmed that he did.

Mr. Brennan asked Mr. Patel to explain the layout of the property and the usable space in the back yard. Mr. Patel stated that it is a unique lot in the Sturbridge area. It is one of a kind and sits at an angle at the corner of Ashton Drive and Forrest Hills Drive. He continued that the back yard is a bit restricted, whereas his neighbors have a straight box/rectangular back yard. The neighbors can enjoy a playset for their children. Mr. Patel's backyard is stretched sideways and is more of a triangle.

Mr. Brennan asked if Mr. Patel has spoken to his neighbors about the existing structures. Mr. Patel confirmed he had and indicated that they were here this evening. Mr. Brennan asked if they had any issues with the structures or the variances he was requesting, he stated that they did not.

Mr. Brennan went through the various positive and negative criteria of the application. He then stated that he was finished with the testimony of Mr. Patel and asked the Board if they had any questions.

Mr. Senges asked to circle back to the shed and asked if the shed could be moved further from the property line. Mr. Patel stated while it could, it is on a foundation and he's not sure about those details to safely move it.

Mr. Senges then brought up the outbuilding and the unusual nature to have a building like that in the community, the only time it's seen is typically when there is a pool as an accessory structure to the pool.

Mr. Senges stated that the applicant completed additional landscaping to assist with a natural buffer and privacy for the neighboring properties. He then asked if that would be a possible solution to block the outbuilding from the street.

Mr. Patel stated that adding additional landscape would defeat the purpose of the look that the outbuilding was given, matching the house. Mr. Senges stated that it would be the only house in Voorhees that has this type of building in front of their rear yard. Mr. Patel indicated that as he previously stated if landscaping were to be suggested as part of the conditional requirement, they would certainly be open to it.

Mr. Senges reiterated that Voorhees Township requires a grading plan for any disturbance over 500 square feet, and the pavers and outbuilding were installed without one.

Mrs. Monica Fillmore of the neighboring property, 38 Forrest Hills Drive was sworn in by Mr. Norman. Mr. Brennan shared the survey once more and Mrs. Fillmore indicated that she is located at Lot 13 and is the neighbor that is located directly next to the outbuilding.

Mr. Brennan asked for Mrs. Fillmore to express any impact these improvements have on her property. Mrs. Fillmore indicated that the house sat abandoned and in disarray for a very long time and that the Patel family has put a significant amount of effort into the property. They have reached out to their neighbors every step of the way.

Mrs. Fillmore also indicated that the photos of the outbuilding does not depict it in its entirety. It is extremely aesthetically pleasing and matches the house entirely. She stated that the outbuilding cannot be seen until you are on the applicant's property. She expressed that putting any fencing there would cause much displeasure as it would detract from the beauty of the building.

Mrs. Fillmore stated that while the applicant has not utilized the building, the prior owners did. She stated that she believed that the building was sound proofed, as she has spent much time in the rear yard with her children and has never once heard anything from the outbuilding.

Similarly, the shed causes no issue to her property. She stated that the applicant planted new trees as the previous trees died by way of disease.

Mrs. Fillmore indicated that since they closed on their home in 12/2013 they have never had any adverse water shed, issues, or flooding relating to drainage problems.

Mr. Senges asked Mrs. Fillmore if he stood on Forrest Hills Drive would he be able to see the outbuilding. Mrs. Fillmore stated that he would have to stand at a particular angle and be right on top of it. The way it was depicted, it was as if it was in the middle of the front yard, but it is not. It is tucked back and away.

Mrs. Fillmore reiterated that a fence would be glaring and draw unnecessary attention and detract in the valuation of the homes.

Mrs. Pratima Vardhana of the neighboring property 30 Ashton Drive was sworn in by Mr. Norman. Mr. Brennan asked for Mrs. Vardhana where she lives in relation to the applicant. Mrs. Vardhana stated that she lives on lot 11 and has since 2014.

Mr. Brennan asked for Mrs. Vardhana to express any impact the improvements have on her property. She indicated that her family was there for the transition period where no one lived on the property. During that time landscaping had taken a serious hit in the front of the house. When the Patel Family moved in they immediately started making improvements and were extremely transparent with all plans.

Mrs. Vardhana stated that there has been no noticeable flooding or drainage issues. She sees no stormwater runoff onto her property. She also confirmed that the hot tub and pavers have been removed.

Mr. Senges asked what separates their property. Mrs. Vardhana stated that the evergreens separate the properties and provides privacy.

Mr. Senges asked how far a part the evergreens are planted from one another, Mrs. Fillmore looked out her enclosed deck and stated they are about 4 feet from centers.

Collectively the Board requested more details from the applicant by way of the total percentage of rear yard that has impervious coverage and will have the engineer review the application and provide a review.

Mr. Brennan asked that the hearing be continued and waived the Board's action date. Ms. Gaffney stated that the next date available is August 11, 2022.

Mr. Weil made a motion to continue the application on August 11, 2022, Mr. Willard second the motion. Roll call vote followed:

**Ayes:** Mr. Weil, Mr. Willard, Mr. Leoncio, Ms. Tulman, Mr. Hundal, Mr. Senges  
**Abstentions:** None  
**Nays:** None

The meeting was then opened to the public once more for general comments or questions. There were no hands raised, the public portion was closed.

Mr. Cohen made a motion to adjourn the meeting, seconded by Mr. Leoncio.

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Jennifer L. Gaffney, Zoning Board Secretary

Voorhees Township

*Minutes prepared by Jennifer Gaffney. The minutes are intended to reflect the basic comments and action.*

*Verbatim transcripts of all electronic recordings can be available upon proper request and payment.*