



ZONING BOARD OF ADJUSTMENT
Thursday, June 5, 2014
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairperson Rardin at 7:38 pm.

PLEDGE OF ALLEGIANCE: Led by Chairperson Rardin.

OPMA STATEMENT: Read by Chairperson Rardin in compliance with the Sunshine Law.

ROLL CALL

- **Members in Attendance:** Michael Maitland; Ivy Rovner; William Carter; Harry Schmoll; Farhat Biviji, Vice-Chairperson; and Jonathan Rardin, Chairperson.
- **Professionals in Attendance:** Paul Stridick, AIA, Director of Community Development; Anthony Zappasodi, Esq., Planning Administrator; Jacob Richman, Planning Technician; and Deena Greble, Esq., Zoning Board Solicitor. Solicitor Greble administered oaths to Msrs. Stridick, Zappasodi, and Richman.

BOARD POLICY STATEMENT: Read by Chairperson Rardin.

COMMENTS FROM THE PUBLIC: None received.

ADMINISTRATIVE ITEMS

Regular Meeting Minutes from May 15, 2014: Mr. Carter made a Motion to Approve the Minutes from May 15, 2014, which was seconded by Mrs. Rovner, with affirmative votes by Maitland, Rovner, Carter, Biviji, and Rardin. Abstention by Schmoll. Motion carried.

AGENDA ITEMS

14-Z-0004

Block(s) 4.01 Lot(s) 6
Zone: Residential (R2) Zone

Relief Requested: A Use (D1) Variance in order to permit a residential duplex or multifamily dwelling within the Residential (R2) zone. Alternatively, in the event that a Use Variance cannot be granted, then the Applicant will request a Certificate of Nonconformity for a duplex (multi-family residential use).

John Princiotta
4 W Hoffman Avenue
Cherry Hill, NJ

The Applicant was represented by Attorney Vincent D'Elia, Esq. and offered the following witness: John Princiotta. Mr. D'Elia offered some background information and stated that the property has been used as a two-family home (duplex) for as long as they can figure. Mr. D'Elia stated that they were requesting a Certificate of Non-Conformity and that their alternate request for a Use variance would hopefully not be necessary in this instance.

Mr. Princiotta stated that he was the Applicant and contract-purchaser of the parcel in question. Mr. Princiotta testified that there were approximately two or three duplexes in the immediate vicinity of this property on West Hoffman Avenue. A copy of the Cherry Hill Township Tax Map for the subject area was marked into evidence as Exhibit "A-1". An aerial photograph of the subject area was marked into evidence as Exhibit "A-2". A copy of a sketch showing the Floor Plans of the First Floor of the dwelling structure was marked into evidence as Exhibit "A-3". A copy of a sketch showing the Floor Plans of the Second Floor of the dwelling structure was marked into evidence as Exhibit "A-4". Mr. Princiotta testified that there is a garage and basement in the first floor unit, and that there is a laundry room in the second floor unit. A copy of rental unit inspection reports from 2010 and series of confirming emails from staff within the Department of Community Development was marked into evidence as Exhibit "A-5". Tax cards from the office of the Cherry Hill Township Tax Assessor were marked into evidence as Exhibit "A-6". Additional tax assessment records from the Cherry Hill Tax Assessor's Office were marked as Exhibit "A-7". Mr. D'Elia summarized the documents and highlighted the evidence showing that the structure was assessed as a two-family home (duplex) since 1972 or before. Mr. D'Elia stated that it is easy to see that it has been a duplex for a long time, although he was unable to exactly say when as it is believed the structure was built in approximately 1935. Mr. D'Elia opined that there is no detriment to the Master Plan since there are at least three duplexes in existence and recognized by the Tax Assessor's office along West Hoffman Avenue already.

Solicitor Greble recited the standard of review with regard to an application for a Certificate of Non-Conformity. Solicitor Greble also discussed other legal considerations such as abandonment.

Mr. Princiotta testified that he does not occupy either of the two dwelling units at the present time. If all goes well, he expects that his son will occupy the first floor unit and the second floor unit will be rented out to someone else. He testified that he believed the two units were built together and that there are two utility accounts, meters, and furnaces.

Mr. Stridick inquired regarding the two front doors on the existing structure. Mr. Princiotta stated that the two separate front doors are well integrated into the structure and that there was no evidence that the staircases had ever been moved within the structure. He opined that there was no structural evidence that the home was converted into a duplex after being built as a single family dwelling. He opined it was like an old row-home and that the flow of construction leads one to believe that the structure was not modified.

Solicitor Greble discussed the timing of the enactment of the Township's Zoning Ordinances, most notably the first code used in 1948 and the current code from 1976. She stated changes had been made to the zoning code to prohibit duplexes within the R2 zone in between those two dates.

Mr. Zappasodi testified with regard to the review letter generated by the Department of Community Development dated May 21, 2014. He highlighted the need for rental inspections for any and all rental units within the Township; Mr. Princiotta stated that he would comply with the Township regulations for inspections before anyone new moves into the duplex. Mr. Zappasodi confirmed the information contained in the Tax Assessor's records and the lack of information contained in the zoning files, other than a fence permit from 2010. Mr. Zappasodi stated that there were some phone calls received by the Department inquiring about the nature of the application, but that none were opposed to the continuation of the use of the property as a duplex.

Chairperson Rardin opened the hearing to the Public. No one was present to testify. The public portion of the hearing was then closed. The Zoning Board members engaged in discussion regarding the application.

Motion to Grant a Certificate of Non-Conformity for a duplex within the R2 zone: Motion made by Vice-Chairperson Biviji and seconded by Mr. Schmoll, with affirmative votes by Maitland, Rovner, Crater, Schmoll, Biviji, and Rardin. None were opposed. Motion carried.

The Applicant formally withdrew the request for a Use Variance since a Certificate of Non-Conformity was granted.

RESOLUTIONS

13-Z-0044

Block(s) 521.09 Lot(s) 68

Zone: Residential (R1) Zone with a RIPD overlay

Relief Requested: A bulk (C) variance to permit the construction of an in-ground pool and spa, a pool deck, walkway, terrace, and steps within the rear and side yards, which constitutes forty-seven percent (47%) of impervious lot coverage, where the maximum lot coverage within the Residential (R1) zone is thirty-five percent (35%) as per section 404.D.

Motion to ratify: Motion made by Mr. Carter and seconded by Mrs. Rovner, with affirmative votes by Maitland, Rovner, Carter, Schmoll, Biviji, and Rardin. Motion carried.

Eric Shore

12 Manor House Court

Cherry Hill, NJ

Meeting Adjourned: 8:16 pm.