



ZONING BOARD OF ADJUSTMENT
Thursday, December 4, 2014
DRAFT MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairperson Rardin at 7:30 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:** Daniel DiRenzo, Jr.; William Carter; Scott Marcus; Ivy Rovner; Steven Sweeney; Wyatt Sklar; and Jonathan Rardin, Chairperson.
- **Professionals in Attendance:** Lorissa Luciani, PP, AICP, Deputy Director of Community Development; Anthony Zappasodi, Esq., Planning Administrator; Jacob Richman, Planning Technician; and Allen Zeller, Esq., Zoning Board Solicitor. Solicitor Zeller administered oaths to Ms. Luciani and Mr. Zappasodi.

COMMENTS FROM THE PUBLIC: None.

ADMINISTRATIVE ITEMS

Approval of Meeting Minutes from November 20, 2014. Motion to Approve the Minutes from November 20, 2014 was made by Mr. Carter, which was seconded by Mr. DiRenzo, with affirmative votes by DiRenzo, Carter, Marcus, Sweeney, Sklar, and Rardin. Abstention by Rovner. Motion carried.

AGENDA ITEMS

13-Z-0029

Block(s) 426.01 Lot(s) 8
Zone: Residential (R2) Zone

Advanced Dimensions II, LLC

25 Moore Avenue
Cherry Hill, NJ

Relief Requested: A use (D1) and use (D3) variance with bulk (C) variances to permit a two-unit duplex in a residential zone where duplexes are specifically prohibited in all zones and to permit a home occupation within a detached garage to exceed a maximum of twenty-five (25%) percent of the total gross floor area of the dwelling unit (including garage space) where home occupations are permitted conditional accessory uses within the R2 zone. Continuation from the November 6, 2014 Zoning Board of Adjustment Meeting.

Solicitor Zeller stated for the record that Board Members Rovner and Marcus listened to the recording from the prior hearing dated November 6, 2014 and provided a written certification regarding the same. Solicitor Zeller stated that Mrs. Rovner and Mr. Marcus could now participate in this hearing; Board Member Sklar could not participate as he was not a member of the Zoning Board when this application was heard on November 6, 2014. Solicitor Zeller reminded the Applicant's witnesses that they are still under oath from the prior hearing.

Mr. Daniels, attorney for the Applicant, provided some background information and stated there would be additional information presented to the Board to supplement the testimony from the prior hearing. He stated that the Applicant's Planner did research regarding duplexes elsewhere in the Township and the Applicant spoke further with neighbors about their reaction to the proposed duplex. Specifically, Mr. Kevin Bacon stated that he spoke with all of his immediate neighbors and that he received seven written consent forms from his neighbors. Copies of the written consent forms were marked as Exhibit "A-4". An aerial photograph listing the properties that provided written consent was marked as Exhibit "A-5". Mr. Bacon stated that there are two vacant properties in the immediate vicinity of 25 Moore Ave. An aerial photograph that is expanded outside of the neighborhood (thus showing more properties) was marked as Exhibit "A-6". Mr. Daniels stated that the new exhibits show an island of residential uses within a more nonresidential area and that the site is suitable for a duplex.

Mr. Miller stated that the new aerial photographs document his prior testimony by illustrating more intensive uses within this mixed-use neighborhood. He opined the site was particularly suitable for a duplex use. Mr. Miller provided data from the 2010 census regarding two family houses within Cherry Hill. He discussed historical development patterns and trends with large scale single family dwelling subdivisions since the 1960s. Chairperson Rardin opened the meeting to the public. No members of the public testified. Chairperson Rardin closed the meeting to the public.

Ms. Luciani commented on the mixed use nature of the neighborhood and believed the site was particularly suitable for the project. Mr. Zappasodi highlighted prior testimony and that the bulk variance requests were all preexisting conditions. Solicitor Zeller reviewed possible conditions of approval such as: no manufacturing onsite; previous variances are formally abandoned; no vehicles parked on grass; home occupation within garage must be from a resident of one of the two dwelling units onsite; and the occupants will utilize off-street parking. Board discussion ensued.

Motion to Approve Use Variances with enumerated conditions: Motion made by Mr. Carter and seconded by Mr. Marcus, with affirmative votes by DiRenzo, Carter, Marcus, Rovner, Sweeney, and Rardin. None opposed. Motion carried.

14-Z-0029

Block(s) 404.28 Lot(s) 6

Zone: Residential Agricultural/Planned Community (RAPC) Zone

Relief Requested: A bulk (C) variance in order to allow the construction of a 343 square foot "L-shaped" front porch addition to the existing single-family detached residence located approximately twenty-seven (27') feet from the property line within the primary front yard where a minimum setback of thirty (30') feet is required.

Mark & Emily Armstrong

102 Hapenny Drive

Cherry Hill, NJ

Solicitor Zeller administered the oath to Applicant, Mark Armstrong. Mr. Armstrong stated he was there on behalf of his wife and three young children (ages 10, 8, and 2). He stated that a zoning permit for the front porch addition was denied in August since it was proposed to be 27' from the property line within a primary front yard. Thereafter, he applied for a bulk variance for same "L-shaped" front porch addition. The proposed porch addition is approximately 343 square feet and is 31' x 7'. Mr. Armstrong stated that his wife saw the perfect porch for this type/model of single family dwelling elsewhere in the Barclay Farms neighborhood and that they are planning to use the same builder, Tom Michalik, for this proposed porch addition if it is approved. Mr. Armstrong testified regarding the site conditions of the corner lot property. He stated that the existing home is setback deep within the lot so a rear or side addition is not possible based upon the current configuration of the home on the lot. He stated that the home is oriented towards the corner, rather than parallel to Hapenny Drive or perpendicular to Heritage Road. The address is on Hapenny Drive even though the driveway is off of Heritage Road. He opined the size of the porch was exactly as needed in order to maintain functionality and aesthetics, and that the 3' encroachment towards the street was necessary. He testified that the addition would not negatively impact any neighbor and that he would not direct any additional stormwater onto the street or any neighboring property. He stated that he will augment the existing garden area around where the proposed porch is to be located to further ensure adequate drainage/absorption and curb appeal. Mr. Armstrong testified that the "L-shaped" porch is ideal for his wife so she can more easily and securely watch their children as the kids play in the front and secondary front yards. He stated that the kids play in the front yards because there is more space since the rear yard is too small. Mr. Armstrong testified that any new lighting would be directed downward and that the home is dimly lit. He stated there would be no increase in noise so no buffering was necessary. He testified regarding the uniqueness of the lot and orientation of the existing home on a corner lot.

Chairperson Rardin opened the meeting to the public. No members of the public testified. Chairperson Rardin closed the meeting to the public.

Mr. Zappasodi testified with regards to the Department of Community Development's review letter. Ms. Luciani stated that the "L-shaped" front porch is common for this type of home in this neighborhood and that it adds to the appeal of the property. Ms. Luciani believed there was no detriment for the addition. Board discussion ensued.

Motion to Approve Bulk Variance with enumerated conditions: Motion made by Mrs. Rovner and seconded by Mr. Marcus, with affirmative votes by DiRenzo, Carter, Marcus, Rovner, Sweeney, Sklar, and Rardin. None opposed. Motion carried

RESOLUTIONS

14-Z-0036

Block(s) 125.05 Lot(s) 16

Zone: Residential (R3) Zone

Relief Requested: A Certificate of Nonconformity for a duplex (multi-family residential use) in accordance with section 815.E of the Township's Zoning Code and N.J.S.A. 40: 55D-68 of the New Jersey Municipal Land Use Law.

Eric & Amber Kodish

505 & 507 Northwood Avenue

Cherry Hill, NJ

Motion to Ratify: Motion to Approve Resolution 14-Z-0036 was made by Mr. DiRenzo, which was seconded by Mr. Marcus, with affirmative votes by DiRenzo, Carter, Marcus, Sweeney, Sklar, and Rardin. Abstention by Rovner. Motion carried.

Meeting Adjourned: 8:22 pm.