



**ZONING BOARD OF ADJUSTMENT**  
Thursday, December 3, 2015  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairperson Jonathan Rardin at 7:34 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:** Wyatt Sklar; Dan DiRenzo, Jr.; Ivy Rovner, William Carter; Bruce Schwartz; Steven Sweeney; Farhat Biviji; and Jonathan Rardin, Chairperson.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Deputy Director; Jacob Richman, PP, AICP, Planning Technician; Jeremy Noll, PE, CME, Zoning Board Engineer; and Sandy Zeller, Esq., Zoning Board Solicitor.

**COMMENTS FROM THE PUBLIC:** None.

**ADMINISTRATIVE ITEMS**

**Approval of Meeting Minutes from October 15, 2015.** Mr. Carter made a Motion to Approve the Minutes from October 15, 2015, which was seconded by Mr. DiRenzo, with affirmative votes by Rardin, DiRenzo, Carter, Schwartz and Sklar. Motion carried.

**AGENDA ITEMS**

**15-Z-0031**

Block(s) 364.01 Lot(s) 2

Zone: Professional Office (O3) Zone

*Relief Requested: A use (D)1 variance to permit a single-family residential dwelling, where Section 503.B.5 prohibits single-family residential dwellings to be permitted to front on the controlled access highways of Interstate 295 and the New Jersey Turnpike and the state roads of Route 38 and 70. It should be noted that the Professional Office (O3) zone, a zone in which the property is located, does permit single-family residential dwellings.*

**Fabricio Martins**

1509-1511 Route 70 West

Cherry Hill, NJ

**Applicant's Representatives:** John Kornick, PE – Engineer for the Applicant; Lance Landgraf, PP, AICP – Professional Planner for the applicant.

**Exhibits Submitted:** None.

Mr. Kornick opened the application for the proposed single family residential dwelling for the applicant, Fabricio Martins. It was attested that the home would be occupied by Fabricio Martins and his family. As part of the application, the applicant is requesting a use variance to permit a home to have access onto Route 70. It was noted that single family dwellings are permitted in the Professional Office (O3) zone. Mr. Kornick explained that the area does have a combination of office and residential uses. The proposed home will meet all setback requirements except for the frontage, which is an existing non-conforming condition (75' existing where 100' is required). The proposed driveway will take up approximately 30% of the front yard in order to accommodate safe access onto Route 70.

Mr. Landgraf reiterated that the zone permits single family dwellings with the caveat that they cannot front on State Roadways. However, Mr. Landgraf believes in his professional opinion that the site is particularly suited for this use. By way of history, there was a house on this site until it was demolished in 1992. Furthermore, there are residences on all sides of the subject site. The site does not have access onto any other road except for Route 70. All bulk requirements will be met as part of this application except for the frontage which was previously noted as an existing non-conforming condition. The proposed driveway accommodates a K-turn and Mr. Landgraf stated that he would not be in favor of this application if the driveway couldn't safely accommodate people being able to turn around as opposed to backing out which would be unsafe. Mr. Landgraf went through the positive and negative criteria of the application and explained that a brand new

home on a vacant lot is desirable and that the neighborhood, Erlton South, consists of many other residences. The proposed dwelling will not interfere with the Right-Of-Way (ROW) which NJDOT has jurisdiction over.

Mr. Noll asked Mr. Kornick to address whether a patio is proposed along with the home as it could be approved under the same grading plan. Mr. Kornick stated the applicant has no intention of installing a patio. Mr. Noll asked Mr. Kornick if he could move the drywell closer to Route 70 in order to prevent runoff from going onto the neighbor's property. The applicant agreed to comply with this condition.

Ms. Luciani made clear that a Letter of No Interest from NJDOT will be required as well as a sewer service letter from CCMUA. Mr. Kornick noted that he received CCMUA and Soil District Certifications and that all sewer fees have been paid. Mr. Kornick affirmed that the development will meet all RSIS requirements. Ms. Luciani explained to the applicant what the tree removal requirements are in the Township if ever the applicant were to undertake such an endeavor. The applicant explained that the driveway can easily accommodate two (2) cars in the garage and one (1) in the driveway without obstructions. The applicant understands that people will have to park on side streets when visiting in order to keep the driveway clear so that a K-turn can be made, and that no one is permitted to park on the grass. The applicant also understands having to submit a Housing Impact Fee (HIF) as part of the approval process. Ms. Luciani stated that she is supportive of the application so long as the appropriate safe guards are taken when accessing Rt. 70 and based upon the submitted site plan, the driveway accommodates safe maneuvers.

Ms. Biviji stated that she would like to see an expanded driveway as it would give leeway for additional vehicles to park on the site as these scenarios will likely happen. Mr. Kornick agreed to work the Department of Community Development to assess the feasibility of expanding the driveway within the confines of the zoning ordinance. Mr. Schwartz asked Mr. Landgraf if it is possible to obtain an access easement through one of the neighbor's properties as an alternative to access onto Route 70. Mr. Landgraf stated that aerials indicate that this would be difficult to achieve and utilizing Route 70 is easier than requesting an access easement from a neighbor, which has no guarantee of being agreed upon. Mr. Landgraf explained that they did not approach any neighbors about this alternative.

**Public Comment:** None.

Mr. Kornick noted that the property is owned by the applicant and has been vacant since 1992. The Zoning Board was generally in favor of the application and that utilizing the site as an office would generate more traffic than a residence. Mr. Zeller asked if a delivery truck could access the site and do a K-turn to which Mr. Kornick stated that he would assess this scenario. Mr. Landgraf added that a delivery truck would not enter the driveway if the driver new a K-turn wasn't possible and would subsequently park along the shoulder of the road. Mr. Schwartz stated that he was on the fence about this application due to the alterative access possibility. A brief discussion ensued regarding the criteria for a use variance approval it was explained that the applicant is not required to meet the undue hardship requirement as the applicant argued their case under a different requirement. Chairman Rardin expressed his support of the application.

Motion made by Mr. DiRenzo and seconded by Mr. Carter, with affirmative votes for approval by Carter, DiRenzo, Sklar, Sweeney, Rovner, Biviji, and Rardin for the Use d(1) variance and a negative vote by Schwartz. Motion carries 7-1.

**RESOLUTIONS:**

None.

**Meeting Adjourned:** at 8:20 pm.

**ADOPTED:**

**ATTEST:**

  
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**PAUL G. STRIDICK, AIA**  
**ZONING BOARD SECRETARY**

  
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**JONATHAN RARDIN, CHAIRMAN**