



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, October 18, 2018**  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Chairman Jonathan Rardin at 7:30 PM.

**PLEDGE OF ALLEGIANCE:** Led by Chairman Jonathan Rardin.

**OPMA STATEMENT:** Read by Chairman Jonathan Rardin in compliance with the Sunshine Law.

**ROLL CALL**

- **Members in attendance:** Jonathan Rardin; Daniel DiRenzo, Jr.; Ivy Rovner; Wyatt Sklar; Nacovin Norman; and Jill Roth-Gutman.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Director of Community Development; Jacob Richman, PP, AICP, Planner; and Cosmas Diamantis, Esq., Zoning Board Solicitor.

**ADMINISTRATIVE ITEMS**

*Adoption Meeting Minutes from September 20, 2018.* Mr. DiRenzo made a motion, which was seconded by Ms. Rovner, to adopt the Meeting Minutes from September 20, 2018. Affirmative votes by Rardin, DiRenzo, and Rovner. Minutes are approved.

**AGENDA ITEMS:**

**18-Z-0031**

Block(s) 524.03 Lot(s) 1

Zone: Residential Agricultural (RA)

**Elisa & R. David Dewees**

6 Galway Lane

Cherry Hill, NJ 08003

*Relief Requested: A request for the issuance of a permit for a building or structure in the bed of a mapped street pursuant to N.J.S.A. 40:55D-34, as shown on the official map (otherwise known as application for special consideration per Section 815 of the Cherry Hill Township Zoning Ordinance). The applicant is specifically requesting the direct issuance of a permit to permit two (2') feet of the existing attached garage to remain within the right-of-way of Galway Lane.*

**Applicant's Representatives:** Sara Szymborski, Esq. – Applicant's Attorney; and Robert David Dewees – Applicant/Owner.

**Exhibits Submitted:** A-1: Survey of Premises with Dewees as Owner of Record.

Ms. Szymborski introduced the application for a request for the issuance of a permit to permit a building/structure to be located within the bed of a mapped street. Ms. Szymborski explained that the structure in question is a preexisting attached garage that encroaches two (2') feet within the Right-Of-Way (ROW). Ms. Szymborski stated that the applicant has been attempting to sell their home; however, due to the encroachment, the potential buyers have not been able to obtain clear Title. As such, the sale of the home has not been able to go through. Ms. Szymborski stated that the applicant is looking to obtain a retroactive building permit to permit the structure to maintain its current location within the ROW and that no additional construction is proposed within the ROW. Testimony was provided that the encroachment has existed since around 1973.

Mr. Dewees stated that he purchased the property from the original owner and builder in 1987 and unbeknownst to him at the time, the existing garage was encroaching within the ROW. Mr. Dewees added that the survey from when he purchased the house did not show that the attached garage encroached within the ROW of Galway Lane. Mr. Dewees stated that he was not made aware of the encroachment until he tried to sell his home in early 2018. Subsequently, the prospective buyers had a survey conducted which uncovered the issue with the encroachment which led to Title issues. Mr. Dewees detailed the hardships that they have faced since trying to sell the home and stated how he permitted the prospective buyers to move into his home because of the delay in selling the property.

Ms. Szymborski stated that the applicant will comply with the Department of Community Development's review letter dated September 27, 2018 particularly in regard to providing a Survey with the Dewees' as the owner of record and that should any further encroachment of the garage into the ROW be proposed, additional approval will be required from the

Zoning Board. Ms. Szymborski submitted exhibit A-1 and noted that the Survey now shows the Dewees' as the owner of record and that the Survey also shows that the garage encroaches two (2') feet into the ROW.

**Public Comment:** Marc Preim (temporary address of 6 Galway Lane) stated that he is the prospective purchaser of 6 Galway Lane from the Dewees' and stated that he is concerned that even if the application is granted that title may still not clear. Mr. Preim asked whether the permit (if approved) is reversible/revocable in any way. Ms. Luciani stated that the permit would come with conditions and is subject to Municipal Land Use Law (MLUL) regulations. Ms. Luciani stated that violating the conditions of the permit or encroaching further into the ROW would revoke the permit. Ms. Luciani stated that tearing down the encroachment would abandon the approval. Additionally, if the nonconforming structure is damaged, it can only be rebuilt to the existing footprint if it is determined that less than 50% of its value was damaged as determined by the Administrative Officer. Ms. Luciani also detailed the conformance process.

**Motion:** Following a review of the application and conditions of approval by Solicitor Diamantis, a motion was made by Mr. DiRenzo and seconded by Mr. Norman, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Rovner, Norman, and Roth-Gutman for the approval of the issuance of a permit for a building within the bed of a mapped street. Motion carries 6-0.

**RESOLUTIONS:**

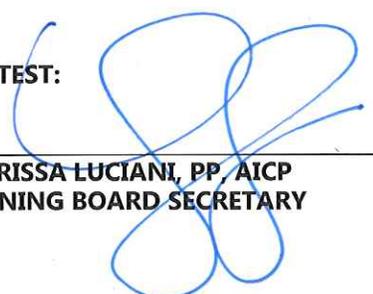
None.

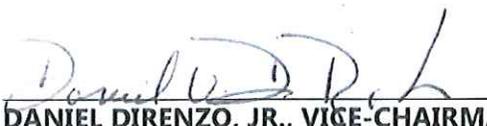
Prior to the meeting being adjourned, the Board entertained public comment from a member of the public. Gail Regan of 1205 Farrell Avenue stated that she has concerns about the Mercedes Benz dealership and some potential violations that they have been involved with. Ms. Luciani stated that Mercedes Benz is a pending application and has not yet been scheduled before the Board. Ms. Luciani stated that she won't take testimony on the application due to due process issues; however, she stated that if there is a zoning complaint, she could take the information down after the meeting.

**Meeting Adjourned:** at 7:58 PM.

**ADOPTED:** 11/1/18

**ATTEST:**

  
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**LORISSA LUCIANI, PP, AICP**  
**ZONING BOARD SECRETARY**

  
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**DANIEL DIRENZO, JR., VICE-CHAIRMAN**