



*You couldn't pick a better place.*

**ZONING BOARD OF ADJUSTMENT**  
**Thursday, January 17, 2013**  
**DRAFT MINUTES**

**OPENING:** The meeting was called to order by Planning Administrator Anthony J. Zappasodi, Esq. at 7:30 PM.

**PLEDGE OF ALLEGIANCE:** Led by Planning Administrator Zappasodi.

**OPMA STATEMENT:** Read by Planning Administrator Zappasodi in compliance with the Sunshine Law.

**ROLL CALL**

- **Members in attendance:** Michael Maitland; Ivy Rovner; Andrea Loew; William Carter; Harry Schmoll; Samuel Kates; Daniel DiRenzo, Jr.; and Jonathan Rardin.
- **Professionals in attendance:** Planning Administrator Anthony Zappasodi, Esq.; Stacey Arcari, PE, PP, Engineer; Deena Greble, Esq., Solicitor; and Jacob Richman, Planning Technician.

**ADMINISTRATIVE ITEMS - Reorganization**

**Election of Chair.** Mr. Zappasodi asked for nominations for Chairperson for the year 2013. Mrs. Rovner nominated Jonathan Rardin to serve as Chairperson and was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, and DiRenzo. Abstention by Mr. Rardin. Motion carried.

**Election of Vice Chair.** Chairperson Rardin asked for nominations for Vice-Chairperson for the year 2013. Mrs. Rovner nominated Farhat Biviji to serve as Vice-Chairperson and was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried.

**Appointment of Secretary.** Chairperson Rardin asked for nominations for Secretary for the year 2013. Mrs. Rovner nominated Paul Stridick, AIA to serve as Secretary and was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried.

**Appointment of Alternate Secretary.** Chairperson Rardin asked for nominations for Alternate Secretary for the year 2013. Mrs. Rovner nominated Anthony Zappasodi, Esq. to serve as Alternate Secretary and was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried.

**Adoption of Zoning Board Bylaws.** Mrs. Rovner made a motion to approve the 2013 Bylaws, which was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried. Mr. Zappasodi stated that the only changes pertained to creating an alternate secretary position and codifying the recent changes to the "time of decision" caselaw/statutes.

**Establishment of Meeting Dates and Adoption of Official Newspaper.** Mrs. Rovner made a motion to approve the Courier-Post and the Philadelphia Inquirer as the designated newspapers for 2013, which was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried. Mr. Zappasodi read the following meeting dates of the Zoning Board: 1/17/13; 2/7/13; 2/21/13; 3/7/13; 3/21/13; 4/4/13; 4/18/13; 5/2/13; 5/16/13; 6/6/13; 6/20/13; 7/3/13; 7/18/13; 8/1/13; 8/15/13; 9/4/13; 9/19/13; 10/3/13; 10/17/13; 11/7/13; 11/21/13; 12/5/13; 12/19/13; and 1/16/14.

**Zoning Board of Adjustment Annual Report – 2012.** Mrs. Rovner made a motion to accept and approve the 2012 Annual Report of the Zoning Board, which was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried.

**Appointment of Solicitor.** Mrs. Rovner made a motion to nominate the law firm of Zeller & Wieliczko, LLP as Zoning Board Solicitor for 2013, which was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried.

**Appointment of Engineer.** Mrs. Rovner made a motion to nominate the engineering firm of Environmental Resolutions Inc. as Zoning Board Engineer for 2013, which was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried.

**Adoption of Agenda Procedures.** Mrs. Rovner made a motion to approve the standardized Agenda Procedures of the Zoning Board for 2013, which was seconded by Mr. Maitland, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, Rardin, and DiRenzo. Motion carried.

**COMMENTS FROM THE PUBLIC:** None received.

### **AGENDA ITEMS**

#### **11-Z-0047**

Block(s) 53.01 Lot(s) 17

Zone: Residential (R2) Zone

*Relief Requested: A minor site plan with bulk (C) variances for a previously granted physical therapy home occupation use (bifurcated use (D) variance application).*

#### **Lenny PT**

1710 Park Boulevard

Cherry Hill, NJ 08002

Mr. DiRenzo recused himself due to a conflict, stepped down off the dais, and did not participate in the hearing.

The Applicant was represented by Avery Teitler, Esq., and offered the following professionals as experts: Martin Irving, LLA, PP and Richard Oberman, PE from Irving Design Group, LLC, Richard Sanford, Architect, and Edmund Lenny, licensed physical therapist and owner. All witnesses were sworn in by Solicitor Greble.

Mr. Irving provided a brief overview of the proposed improvements and the bulk variances and design waivers sought by the Applicant regarding parking, lighting, and driveways. Variances are necessary to: permit 2 driveways (one-way circular) on a residential lot, 4 parking spaces for the home occupation, and 7 total spaces for the entire property. A color rendering of the site plan was marked as Exhibit "A-1". A large copy of the actual Site Plan done by Mr. Oberman was marked as Exhibit "A-2". Mr. Irving testified that the variances for the parking spaces were based upon the actual need of the home occupation due to the restrictions placed by Ordinance and per the previously granted Use Variance. Applicant agreed to not use any commercial lighting onsite and requested a design waiver for a lamp post near the front property line.

The hearing was opened to the public for comment by Chairperson Rardin. Mr. Phil Guerrieri of Park Boulevard expressed concerns regarding lighting, driveway entrances, and having a business on Park Blvd. He stated that he prefers dark streets and does not want to see "commercial creep" within his residential neighborhood. No other members of the public commented upon the application. The public portion of the hearing was closed by Chairperson Rardin.

Mrs. Arcari from Environmental Resolutions, Inc. testified with regard to her office's review letter dated December 24, 2012. Mr. Zappasodi from the Department of Community Development testified with regard to his department's review letter dated December 5, 2012. Mr. Teitler represented that both review letters are acceptable and will be complied with as a condition of approval.

Mr. Irving further testified with regard to the landscaping and retaining wall. Mr. Lenny provided testimony regarding the hours of operation and the nature of his home occupation and the interplay with his family. The Applicant's "Lighting Plan" was marked as Exhibit "A-3". The Applicant's "Floor Plan" was marked as Exhibit "A-4". The Applicant's rendering displaying the architectural elevations was marked as Exhibit "A-5". The board members discussed the details of the application.

**Motion to approve the Minor Site Plan with an associated design waiver for lighting and Bulk Variances for parking and driveways with enumerated conditions as specified:** motion made by Mr. Kates and seconded by Mrs. Loew, with affirmative votes by Maitland, Rovner, Loew, Carter, Schmoll, Kates, and Rardin. None were opposed. Motion carried.

### **RESOLUTIONS**

#### **12-Z-0039**

Block(s) 414.10 Lot(s) 5

Zone: RAPC Zone

*Relief Requested: A bulk (C) variance is requested to allow a 237 square foot deck and a 203 square foot attached "sunroom" within ten (10) feet of the rear yard setback, where a setback of twenty-five (25) feet is required.*

#### **Elizabeth MacFarland**

1240 Black Baron Drive

Cherry Hill, NJ 08034

**Motion to ratify:** Motion was made by Mrs. Rovner and seconded Mrs. Loew, with affirmative votes by Rovner, Loew, Carter, Schmoll, Kates, DiRenzo, and Rardin. Abstention by Mr. Maitland. Motion carried.

**Meeting Adjourned:** at 9:20 PM.