



**ZONING BOARD OF ADJUSTMENT**  
**Thursday, May 19, 2016**  
**APPROVED MINUTES**

*You couldn't pick a better place.*

**OPENING:** The meeting was called to order by Acting Chairperson Ivy Rovner at 7:34 pm.

**PLEDGE OF ALLEGIANCE:** Led by Acting Chairperson Rovner.

**OPMA STATEMENT:** Read by Acting Chairperson Rovner in compliance with the Sunshine Law.

**ROLL CALL**

- **Members in attendance:** Wyatt Sklar; Dan DiRenzo, Jr.; Bruce Schwartz; Nacovin Norman; and Ivy Rovner, Acting Chairperson.
- **Professionals in attendance:** Paul Stridick, AIA, Director; Lorissa Luciani, PP, AICP, Deputy Director; Jacob Richman, PP, AICP, Planner; and Cosmas Diamantis, Esq., Zoning Board Solicitor.

**COMMENTS FROM THE PUBLIC:** None.

**ADMINISTRATIVE ITEMS**

**Approval of Meeting Minutes from May 5, 2016.** Mr. Sklar made a Motion to Approve the Minutes from May 5, 2016, which was seconded by Mr. Schwartz, with affirmative votes by DiRenzo, Norman, Schwartz, and Sklar. Motion carried.

**AGENDA ITEMS**

**16-Z-0014**

Block(s) 479.01 Lot(s) 1  
Zone: Limited Office (O1)

**Pei So Wang**  
1868 Greentree Road  
Cherry Hill, NJ 08003

*Relief Requested: A Use d(1) Variance to convert a vacant two-story office building into an information technology office and repair shop.*

**Applicant's Representatives:** Gregory Montgomery, Esq. – Applicant's Attorney; James Clancy, PE, LS, PP – Applicant's Planner; Pei So Wang – Applicant; and Annie Wang - Applicant.

**Exhibits Submitted:** None.

Mr. Montgomery briefly introduced the application for the Use d(1) variance and had the applicant, Mr. Wang provide some testimony regarding the proposed application. Mr. Montgomery noted that the applicant is not proposing any site improvements. Mr. Wang explained that he has been in the computer services business for 15 to 16 years at the current location in Greentree Plaza. Mr. Wang stated that he is presently under contract with the current owners of 1868 Greentree Road in order to acquire the property.

Ms. Wang noted that the current business name is Lynx Computer Technology. She explained that the current business was involved with retail sales of custom computers but that due to online and big box retailers, they do not currently have a retail component to their business. The current and proposed business model is to provide their computer services to professional and medical office business. These services include networking, phone, information technology (IT) solutions, computer installation, and general computer maintenance. These services are almost entirely performed off-site. Ms. Wang explained that their hours of operation are 9am to 5pm but it was later clarified that they would like to have their operation extended to 6pm so that they are not firmly held to the 5pm close of business time. Ms. Wang explained that they would still mostly likely be closed at 5pm. Ms. Wang testified that the only two (2) employees are herself and her husband. Ms. Wang further clarified that 90% to 95% of their business is providing off-site IT services and that they do not have a lot of walk-in business. Ms. Wang stated that the reason for the Use Variance is that they have a very minor component of their business involving computer repair, but that approximately only three to five people per day would come in to the store (computer repair, IT questions, business questions, and computer pickup). While the applicant hopes to move into the new site without any renovations, they are proposing to re-face the existing freestanding identification

sign. Ms. Wang testified that their business will not need a trash enclosure since their business does not generate much trash or recycling. Furthermore, Ms. Wang stated that they will repair the existing fence along the perimeter of the parking lot. Deliveries will be handled by UPS trucks and she agreed to not develop any portion of the wetlands at the rear of the site.

Mr. Clancy stated that the applicant will repair the fence by taking down the broken panels and reinstalling new panels by utilizing the existing fence posts. The fence will remain a six (6') foot tall wood fence. The trash enclosure will be removed entirely so that it is not in the designated Right-Of-Way (ROW) and agreed that the all trash & recycling will be maintained inside the building. Ms. Wang added that they will contract with a private company who will come to pick up the "e-waste" that is generated. Mr. Clancy stated that the new use is less intense than the previous use (Psychological Services office) and that the site is particularly suited as the site permits office which is primarily what the proposed business will operate as albeit with a small repair component. Mr. Clancy noted that other permitted uses in the Limited Office (O1) zone can be more intensive. Mr. Clancy noted that there will be no change in site lighting but that they will add additional landscaping at the front of the building; however, no trees will be cut down. Mr. Clancy then went through the positive and negative criteria of the application and noted that the applicant will comply with all ADA, lighting, striping, and repair comments as noted in the Department of Community Development review later dated April 26, 2016.

Mr. Montgomery added that due to the applicant's purchasing agreement expiring with the current property owner, the issuance of a Temporary Certificate of Occupancy (TCO) was discussed as a way to have the applicant occupy the building and make repairs at the same time.

**Public Comment:** None.

**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 DiRenzo, Sklar, Schwartz, Norman, and Rovner, for the approval of the Use d(1) Variance. Motion carries 5-0.

**16-Z-0011**

Block(s) 287.03 Lot(s) 5  
Zone: Residential (R2)

**John Panebianco**

10 Aaron Court  
Cherry Hill, NJ 08002

*Relief Requested: A Bulk (C) Variance to construct a 140 SF breakfast nook/sunroom addition within the rear yard setback.*

**Applicant's Representatives:** John Panebianco – Applicant.

**Exhibits Submitted:** A-1: Excerpt of a Tax Map; A-2: Survey from 1992; A-3: Site Photographs; A-4: Elevation Rendering; and A-5: Floor Plan.

Mr. Panebianco stated that he is proposing to construct a 10' x 14' rear yard addition on top of the existing rear deck at the back of his home that requires a rear yard setback variance. Mr. Panebianco explained that the proposed improvements to the home are for quality of life purposes and so that him and his wife can enjoy their backyard and woods without having to deal with mosquitos. Mr. Panebianco noted that the existing deck received a setback variance back in 1990 and the proposed addition needs a variance as well but will not expand the footprint of the deck.

Mr. Panebianco gave an overview of the site and noted that there is a fifty (50') foot wide Township owned piece of land adjacent to the rear of his property that is utilized as a drainage easement. The applicant submitted Exhibits A-1 through A-5 in order to better show the shape, topography, and layout of his lot. Mr. Panebianco was able to show that due to the position of his rear lot line from his house; essentially any addition to the back would need a variance. Mr. Panebianco also noted that based upon the surrounding conditions, the addition will not affect neighboring property owners. Mr. Panebianco discussed lighting (which will be recessed and point downwards), that the materials and colors of the addition will blend seamlessly into the existing house, and that a licensed contractor will do the work and obtain building permits. Mr. Panebianco also detailed the gutters and piping in that stormwater will be conveyed underneath the existing deck.

Ms. Luciani discussed the issue pertaining to the wetlands surrounding the property and asked if the applicant had determined whether wetlands existing on the site. Mr. Panebianco explained that he is currently working with a professional Engineer and that his Engineer provided a rough diagram showing the location of the wetlands and wetlands buffer by utilizing LOI information from neighboring properties. Mr. Panebianco noted that the diagram only shows a wetlands buffer at the very corner of his site and nowhere near the proposed addition. Ms. Luciani explained that part of the LOI information utilized for the diagram has expired and that it doesn't necessarily show the current line of the wetlands. Ms. Luciani explained the LOI process and how the Board and the Township need to ensure that the wetlands delineation is accurate so as to avoid fines from the NJDEP. The applicant then agreed as a condition of approval to work

with the Department of Community Development and the applicant's engineer to determine the presence/absence of wetlands on his property.

**Public Comment:** None.

**Motion:** Following a review of the application and conditions of approval by Solicitor Diamantis, a motion was made by Mr. Sklar and seconded by Mr. DiRenzo, with affirmative votes for approval by DiRenzo, Sklar, Schwartz, Norman, and Rovner, for the approval of the Bulk (C) Variance. Motion carries 5-0.

Following the motion, Mr. Norman stated that he was recusing himself from the remainder of the meeting.

**RESOLUTIONS:**

**Resolution Authorizing Zoning Board to Enter Executive Closed Session to Discuss Pending Litigation**

Fair Share Housing Center, Inc.; Camden County Branch of the NAACP; Southern Burlington County Branch of the NAACP (Plaintiffs) v. Township of Cherry Hill, Cherry Hill Township Planning Board, and Cherry Hill Township Zoning Board of Adjustment, et al (Defendants), Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01; and Evans Francis Estates Associates, LP (Plaintiffs) v. Cherry Hill Township Planning Board, et al (Defendants), Superior Court of New Jersey, Law Division, Camden County, Docket No: L-1249-11.

**Motion to Ratify:** Following Solicitor Diamantis' explanation that the Zoning Board may enter a closed executive session to discuss pending litigation, Mr. DiRenzo made a motion which was seconded by Mr. Sklar, to memorialize the resolution in order to enter into a closed executive session. Affirmative votes by DiRenzo, Sklar, Schwartz, and Rovner. The resolution is memorialized and the Board entered closed executive session at 8:32 PM.

**EXECUTIVE SESSION (CLOSED) TO DISCUSS THE PENDING LITIGATION AND TO CONSIDER AN AMENDMENT TO A SETTLEMENT AGREEMENT OF SAID LITIGATION (NO FORMAL ACTION WILL BE TAKEN)**

Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01, Civil Action (Fair Share Housing Center, Inc.; Camden County Branch of the NAACP; Southern Burlington County Branch of the NAACP (Plaintiffs) v. Township of Cherry Hill, Cherry Hill Township Planning Board, and Cherry Hill Township Zoning Board of Adjustment, et al (Defendants); and Superior Court of New Jersey, Law Division, Camden County, Docket No: L-1249-11, Civil Action (Evans Francis Associates Estates, LP (Plaintiffs) v. Cherry Hill Township Planning Board, et al (Defendants)) to consider an Amended Settlement Agreement.

The Board re-entered the open public session at 8:55 PM.

**RESOLUTIONS – OPEN PUBLIC MEETING**

**Resolution Considering the Endorsement of an Amended Settlement Agreement**

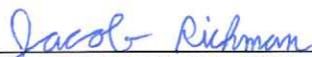
Fair Share Housing Center, Inc, et al. (Plaintiffs) v. Township of Cherry Hill, Cherry Hill Township Planning Board, and Cherry Hill Township Zoning Board of Adjustment, et al (Defendants), Superior Court of New Jersey, Chancery Division, General Equity Part, Camden County, Docket No: L-04889-01; and Evans Francis Estates Associates, LP (Plaintiffs) v. Cherry Hill Township Planning Board, et al (Defendants), Superior Court of New Jersey, Law Division, Camden County, Docket No: L-1249-11, to take action regarding the Amended Settlement Agreement per the above and authorize Allen S. Zeller, Esq., of Zeller & Wieliczko to sign and/or take appropriate action on behalf of the Cherry Hill Township Zoning Board of Adjustment for the Amended FSHC Settlement Agreement.

**Motion to Ratify:** Mr. DiRenzo made a motion which was seconded by Mr. Sklar, to memorialize the resolution for the endorsement of the Amended CHLA Settlement Agreement. Affirmative votes by O DiRenzo, Sklar, Schwartz, and Rovner. The resolution is memorialized.

**Meeting Adjourned:** at 8:56 pm.

**ADOPTED:**

**ATTEST:**

  
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**JACOB RICHMAN, PP, AICP**  
**ALTERNATE ZONING BOARD SECRETARY**

  
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**JONATHAN RARDIN, CHAIRMAN**

