

**TOWNSHIP OF EVESHAM
ZONING BOARD OF ADJUSTMENT
MINUTES**

August 18, 2014

7:00 PM

Municipal Bldg.

Call to Order

Chairperson Williamson called the meeting to order at 7:03 PM.

Flag Salute

Statement of Conformance

Chairperson Williamson made the statement of conformance with the Open Public Meetings and the Municipal Land Use Legislation.

Roll Call

Present: Alperin, Fitzgerald, Bernstein, Rodgers, Lowden, Hoffman, Williamson

Also Present: Matthew Wieliczko Solicitor, Leah Bruder Furey Planner, Rakesh Darji Traffic Engineer,
Chris Rehmann Engineer, Nancy Jamanow Director of Community Development,
Regina Kinney Secretary, Terri Bracchi Recording Secretary

Absent: Parikh, Laspe

Approval of Minutes

A motion was made by Rogers and seconded by Bernstein to approve the minutes of the July 21, 2014 meeting.

Ayes: Alperin, Bernstein, Rogers, Fitzgerald, Eckle, Williamson

Unfinished/New Business

Marlton Crossing Shopping Center ZB 12-18A

Amended Final Site Plan Approval – Outdoor Seating

101 Rt. 73 South, Block 24.21 (C-1 Zone District)

Applicant is requesting outdoor seating at existing and future restaurants.

Gregory R. Heleniak, Attorney for Applicant.

Mr. Heleniak – applicant would like approval for outdoor seating for all the restaurants in the Marlton Crossing Shopping Center instead of asking for approvals for individual restaurants. Some restaurants had already applied for approvals. There is an overhang on most restaurants.

Nancy Jamanow, Director of Community Development reviewed her report.

Exhibit ZB1 report of August 5, 2014

This application requests permission to allow outdoor seating for existing restaurants at the center. It is recommended that the board approve outdoor seating/eating areas.

Public Portion – no comment.

A motion was made by Fitzgerald and second by Lowden to approve the application and the recommendations from Mrs. Jamanow's report of August 5, 2014.

Recorded Votes

Ayes: Bernstein, Hoffman, Rodgers, Lowden, Alperin, Fitzgerald Eckle, Williamson

Naes: None

Abst: None

Motion approved 8-0-0

Joe Orlando - Use Variance

4518 Church Rd., Block 2.01, Lot 1.01 (C-2 Zone District)

Applicant is seeking a Use Variance to construct a self-storage facility consisting of five storage Buildings totaling 17, 025 sq. ft.

Jeffrey I. Baron Attorney for Applicant

A property front in Mt. Laurel is in a split zone in Evesham Township. Applicant would like to build condominium storage units; use is not permitted in Evesham Township C2 Zone. Property abuts Stow Road and will use standards for IP Zone.

Joe Orlando owner, Michele Gregory, Mt. Laurel and Mark Shourds, Engineer sworn in.

Mr. Orlando – has owned the property for 2 years, the back piece of the property has nothing on it. Applicant appeared before Mt. Laurel board and application was denied.

Exhibit A1 – rendering of front of property in Mt. Laurel Township.

Applicant is proposing to build storage units with concrete floors, steel roof and doors. They will be condominium owned units with all security. Climate control if necessary. There will be between 35 and 60 units.

Exhibit A2 rendering of buildings.

There will be 24 hour security by cameras. There will be no office on site, will have security lighting, this is some distance off of Church Rd.

Outside the building will be masonry, non-combustible finish block. Back will be built of cinder block painted. There will be a 6' black fence in rear. A cyclone fence and gate in front will be black powder coated. There will be a main door to enter building and to unlock units from inside.

Exhibit A3 – conceptual plan.

Mr. Orlando – Units can be bought at pre-construction or when completed. There is an existing 25' driveway off of Church Rd.

Michele Gregory – Mr. Orlando is her father. There will be satellite base security with automatic backup.

Exhibit A4 - aerial of site.

Ms. Gregory reviewed all the types of business around the site. Made an effort to buy Mr. Pete's site. There is an existing heavily wooded tree line in rear.

Mark Shrouds, Engineer & Planner

Exhibit A2 - Size of the building has been reduced from 23,000sq. ft. to 17,000 sq. ft. 7-25-14 revision date. 1.2 acres in the C2 zone and Lot 6 in Mt. Laurel. 5 buildings set-back 15' from property line.

There will be no new accesses; there will be 2 parking spaces on site.

Stormwater 2 test pits on site, recharge unit will be underground. Lot has no frontage. The property is 136' wide and 650' in length.

Maximum FAR in C2 Zone is 20% and IP Zone is .3. There will be a COAH commercial component.

Professional Reports

Leah Furey Bruder, Planner Report of August 6, 2014

Footprint of building has been revised. Will there be a condo association. Documents must be given to Matthew Wieliczko, Attorney for review.

Rakesh Darji, Environmental Consultant Report of August 12, 2014

Will there be regular inspections by the Management Co?

Mr. Baron – all issues will be addressed at site plan.

Richard Orth, Traffic Engineer report of June 17, 2014 and report of Stacey Arcari report of August 12, 2014.

The site has no direct access to the public road network but would be connected to the Crispin Square Shopping Center to the east via extension (stone) of an existing drive linking the Shopping Center with Church Road.

Variance is required for 2 proposed parking spaces.

Stacey E. Arcari, Traffic Engineer – updated report of August 12, 2014

Chris Rehmann, Engineer report of June 11, 2014

Questioned if there will be any prohibited uses?

Jeffrey Baron – there will be restrictions. Units cannot be occupied, no flammables and no fire arms. Subject to board attorney what is prohibited and what will be approved at site plan.

There will be no bathrooms or sinks. No mechanicals or boat repairs, there will not be any sewer or water at the site. No fire suppression built in. Unit owners will pay for the taxes by square footage of their space or # of units. There will be an annual assessment.

Public Portion

Ted Suleski, 2 Camelot Ct. Mt. Laurel sworn in.

President of Camelot Ct. Association – has a problem with the traffic and safety.

Sandra D'Allessandro, Amberfield Drive Evesham – sworn in.

Any windows? Sub lease?

Public Portion closed.

Board Attorney reviewed testimony:

Variances for FAR; no equipment, no mechanicals on site, no water or sewer, sale documents and condo association, easement with Crispin Square Center, County approval, professional reports.

Bernstein made a motion to approve use subject to all conditions, seconded Rodgers

Recorded Votes

Ayes: Bernstein, Rodgers, Fitzgerald, Williamson

Naes: Hoffman, Lowden, Alperin

Abst: None
Motion denied.

Mr. Baron would like to know why board members votes no.

Hoffman – I feel the finding of fact did not meet the standard of proof for the D Variances; I do also not believe under the positive criteria the location shown and the location is not suited for this particular use. Under the negative criteria I feel this is a substantial detriment.

Lowden – I feel the did not meet the requirements; the site does not support the operation orl does not benefit public

Alperin – concern about the proposed use, no staff or management on premises or no supervision or maintenance of facility; I feel it is a detriment to the neighbors.

Jessica & Michael Monokian

7 Farmington Dr. Block 33.13, Lot 12 (MD Zone District)

Applicant is seeking side and rear yard variances for an 18' x 32' inground pool and pool equipment.

Jessica Monokian, homeowner and David Cathey, Anthony Pools sworn in.

Hoffman stepped down on this application.

Mrs. Monokian – There is a retention area in the rear. The patio surrounding pool will be 10' to property line. Will be putting up a safety fence. Shed in rear is 5' from side and rear property line and pool will be 20' from house.

Chris Rehmann, Engineer – reviewed his report of July 25, 2014.

Pool is already in.

Exhibit ZB1 – zoning permit

Pool and pavers fit in the set-backs. Applicant is requesting 1' encroachment in rear for pool equipment.

Backwash should go to the street; applicant agrees.

Mrs. Kinney – we will need an as-built survey.

Matt. Wieliczko, attorney

Exhibit ZB2 – document from Mrs. Monokian she received from the pool company. Setbacks will be 14' from rear yard, 12' east side, equipment will be 5' from the rear; 15' from west side; there will 6' of pavers.

Bernstein made a motion to approve applications with all conditions, seconded Alperin

Recorded Votes

Ayes: Bernstein, Rodgers, Lowden, Alperin, Fitzgerald, Eckle, Williamson

Naes: None

Abst: None

Motion approved 7-0-0

Alex Ronning ZB 14-12

19 Colts Gait Rd. Block 11.46, Lot 4 (LC Zone District)

Applicant is seeking side and rear yard variances for a 16' x 36' inground pool, pool equipment and impervious coverage.

Alex Ronning, owner and Bernie McNamie of Budd's Pools sworn in.

Applicant has a narrow back yard; there is common area behind the house. Applicant would like to locate the pool 5' from rear property line where 15' is required, 7' from southeasterly property line where 15' is required, pool equipment 2' from northwesterly property line where 15' is required, edge of pavers 11' from the northwesterly property line where 15' is required and increase the impervious coverage from 50% to 55%.

Property is in the LD Zone and the lot is 80' x 105'. The pool will be 10' from the house; pool equipment will be 2' from northwesterly property line. Cannot move equipment to corner of house because the gas meter is there.

Chris Rehmann reviewed his report of July 25, 2014.

The pool will be 11' from edge of northwest property line, pool equipment 2' from rear; 7' from south property line and pool deck will be 5'. The impervious coverage will be 50.3%. Applicant agreed to all.

Exhibit A1 letter from Homeowners Association approving pool draining into the open space.

Public Portion – no comment.

Bernstein made a motion to approve applications with changes and approve the variances and applicant will submit a new plan, seconded Rodgers

Recorded Votes

Ayes: Bernstein, Hoffman, Rodgers, Lowden, Alperin, Fitzgerald, Williamson

Naes: None

Abst: None

Motion approved 7-0-0

Ian Zloty **ZB 14-13**

5 Concord Drive, Block 13.09 Lot 4 (MD Zone District)

Applicant is seeking side and rear yard variances for a 16' x 36' inground pool.

Mr. Zloty homeowner and Mr. Charles Miller from Pool Store sworn in.

Mr. Zloty requesting a variance of 5' for side yard and 6' rear yard.

Mr. Miller – yard is level, there is no standing water. There trees and bushes in the corner. Homeowner would like to add a patio around the pool. Will change the northern property request from 5' to 7'.

Will be installing an infiltration trench in back and will backwash to the street.

Matt Wieliczko solicitor – applicant must submit an amended site plan.

Public Portion – no comment.

A motion was made by Bernstein and seconded by Fitzgerald to approve the application with conditions agreed to by the applicant and an amended site plan be submitted.

Recorded Votes

Ayes: Bernstein, Hoffman, Rodgers, Lowden, Alperin, Fitzgerald, Williamson

Naes: None

Abst: None

Motion approved 7-0-0

Resolution

ZB 14-09 McAvaddy

Rodgers motion to approve seconded Fitzgerald

Ayes: Bernstein, Lowden, Rodgers, Alperin, Fitzgerald, Williamson

Adjournment 11:36 PM

Approved by Board

Regina Kinney, Secretary

Terri Bracchi, Recording Secretary