

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

September 15, 2014

7:00 PM

Municipal Bldg.

Call to Order

Chairperson Williamson called the meeting to order at 7:04 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, McGoey, Parikh, Hughes,
Williamson

Also Present: Matthew Wieliczko Solicitor, Leah Bruder Furey Planner, Rakesh Darji
Traffic Engineer, Chris Rehmann Engineer, Regina Kinney Secretary,
Terri Bracchi Recording Secretary

Absent: Laspe, Eckle, Lowden,

Approval of Minutes

A motion was made by Rogers and seconded by Fitzgerald to approve the minutes of the August 18, 2014 meeting.

Ayes: Alperin, Bernstein, Rodgers, Fitzgerald, Williamson

Matthew Wieliczko, Solicitor provided a summary of Zoning Board of Adjustment Responsibilities and Powers

Unfinished/New Business

Lynn Waite

ZB 14-10

17 Brittany Blvd. Block 11.31 Lot 12 (LD Zone District)

Applicant is seeking relief to permit an existing patio currently encroaching into the 10' wide storm drainage easement.

Stephen Joseph, Attorney for Applicant

Ms. Lynn Waite owner and applicant sworn in.

Mr. Joseph – applicant purchased the property in May 2006. Previous homeowner received permits and approval. The patio that was built was not consistent with the permit. Patio was built in the setback and encroachment. A survey was received at settlement and steps were shown on the survey.

Exhibit A1 – survey

Ms. Waite had the steps taken out; the patio is still in the stormwater drainage.

Page 2
Minutes
15 September 2014

Exhibit A2 – aerial, goggle map photo
Exhibit A3 – 2nd map shows Tuxedo Court
Exhibit A4 – House and backyard
Exhibit A5 – House and backyard
Exhibit A6 – House and backyard
Exhibit A7 – Tuxedo Court house
Exhibit A8 – Pictures of grass in association open space.

Ms. Waite and next door neighbor have been paying for mowing and watering of the open space for the last 8 years.

Exhibit A9, 10 & 11 – 12 pictures of association open space.

Ms. Waite is looking to keep the existing patio and will pay is work on the stormwater inlet will need to be done.

Matt Wieliczko – must see an indemnification agreement.

Chris Rehmann, Engineer – there is no drainage easement; there is a concrete pipe in the easement.

Matt Wieliczko – there is to be no further development into the setback or footprint of the patio expanded.
Applicant agrees.

Applicant must submit a Copy of Easement and a Hold Harmless Evesham Township.
Applicant agrees.

Public Portion

Randy Chen 14 Tuxedo Court, President Homeowners Association, Sworn in.
In 2006 a patio was built, permit issued for 18' x 30' instead a 30' x 30' was built.
Association owns the open space. Applicant wants setback of 0'. Found 5 homes encroached into the open space. Homeowners did landscaping in the open space and improvements have been made.

Mr. Joseph attached is as-built survey showing patio and encroachment.

Mr. Chen showed pictures.

Exhibit O1 – 2 pictures showing no parking sign on property at place of issue
Exhibit O2 – 4 photo's of patio, backyard, and open space before step was removed.

Mr. Chen – asking board to deny application.

Shaun O'Maria 19 Brittany – His property does not flood; ditch is in the corner.
Association does great job in the open space.

Matthew Schwarz 13 Brittany –
Neighbor on other side of Ms. Waite, has no objection to variance.

Victor Battaglia – 4 Tuxedo Court, sworn in
There are a lot of encroachments being done, not comfortable with patio going right up to the property line. He is treasurer of association and pays all the bills.

Chris Rehmann – informed the board that a variance runs with the land.

Mr. Chen worked out problem with 3 homeowners that will continue to encroach on the open space; if house is sold association will take back the encroachment. The Patio does not encroach on the associations open space.

Joseph Kelly 21 Brittany Blvd. sworn in. Lives 2 houses down; his property abuts on the retention pond; has no issue.

Public Portion closed.

Matt Wieliczko, this is a C2 flexible variance. No steps into encroachment, inlet work Township has the right to access and remove pavers at applicants expense. Will indemnify and hold the township harmless, variance runs with the land, agreement reviewed by solicitor; no changes in patio footprint; move sprinkler heads from association open space; no construction in easement; amend survey, disclosures presented to solicitor.

A motion was made by Rodgers and seconded by Alperin to approve ZB 14-10
applicant has met the requirements, subject to all conditions

Recorded Votes

Ayes: Bernstein, McGoey, Rodgers, Alperin, Parikh, Laspe, Williamson

Naes: None

Abst: None

Motion approved 7-0-0

Mr. Fitzgerald left at 8:30

Chris Rehmann conflict with Dewberry Engineers; Rakesh Darji, took over as engineer.

TimberRidge @ Sharp Road **ZB 14-15**

Use Variance

151 Sharp Road, Block 15.14, Lot 98 (Sen 4 Zone District)

Applicant is seeking a Use Variance to permit 19 single family non-age restricted homes.

Timothy Prime, Attorney for Applicant

Exhibit A1 – Site Plan

Exhibit A2 – Aerial

This originally was a part of Sharp Run Seniors; the application will be at the planning board on Thursday September 18, 2014. Applicant will be coming back to board for Site Plan and subdivision. Affordable Housing contribution will be 1 ½ %.

Rakesh Darji, Engineer & Leah Furey Bruder, Planner sworn in.

Jay Kruse Engineer, sworn in.

The roadway will be 30'; Sharps Road will be widened, sidewalks will be put in and the utilities will be the same. Due to the wetlands development cannot be connected with Sharps Run Seniors.

James Miller Planner, sworn in.

Was the planner on the senior age restricted application? The property is suited for the use.

Leah Furey Bruder, Planner report of September 4, 2014

There were to be 22 units on smaller lots previously. Now application will be under the MD-1 standards with 10,000 sq. ft. lots. This is a D1 use variance.

Rakesh Darji, Engineer – reports of September 5 and 8, 2014.

Most items are addressed. Traffic impact a slight increase.

Public Portion

Shanna Forman, 48 Lowell Drive, sworn in.

There is an over-saturation of building in the area. Will the developer be forthright with the buyers about the trucking company and superfund site? Can hear Sharps Rd. traffic now.

David Goldberg 100 Lowell Drive, sworn in.

President of Homeowners Association for Legacy Oaks.

Buffer is needed to alleviate noise.

Page 5
Minutes
15 September 2014

Matt Wieliczko, Solicitor

This is a straight D use variance to change age restriction.
Conditions would be wetlands delineation plan, EIS, NJDEP.
COAH 1 ½%
Disclosure of Ellis Site, (Superfund site).

Bernstein made a motion to approve the use variance, applicant has met all requirements, with conditions as outlined, seconded Parikh

Recorded Votes

Ayes: Bernstein, McGoey, Rodgers, Alperin, Parikh, Laspe, Williamson
Naes: None
Abst: None
Motion approved 7-0-0

A motion was made by Rodgers and seconded by McGoey to nominate Parikh as Vice Chairman of Zoning Board

Ayes: Bernstein, McGoey, Rodgers, Alperin, Parikh, Laspe, Williamson

Resolutions

ZB 14-13 Zolty

Bernstein motion to approve, seconded Rodgers

Ayes: Bernstein, Rodgers, Alperin, Williamson

ZB 14-12 Ronnings

Rodgers motion to approve, seconded Bernstein

Ayes: Rodgers, Bernstein, Alperin, Williamson

ZB 14-11 Monokian

Bernstein motion to approve, seconded Rodgers

Ayes: Bernstein, Rodgers, Alperin, Williamson

ZB 14-06 Orlando

Rodgers motion to approve, seconded Bernstein

Ayes: Bernstein, Rodgers, Williamson

Adjournment 9:23 PM

Approved by Board

Regina Kinney, Secretary

Terri Bracchi, Rec. Secretary