

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

January 27, 2014

7:00 PM

Municipal Bldg.

Call to Order

Chairperson Williamson called the meeting to order at 7:05 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, Parikh, Bernstein, Hoffman Laverghetta, Rogers, Fitzgerald, Williamson

Also Present: Matthew Wieliczko Solicitor, Candace Kanaplue Planner, Richard Orth Traffic Engineer, Chris Rehmann Engineer, Rakesh Darji Environmental Consultant, Nancy Jamanow Director of Community Development, Regina Kinney Secretary, Terri Bracchi Recording Secretary

Absent: Saper

Approval of Minutes

A motion was made by Parikh and seconded by Hoffman to approve the minutes of the December 16, 2013 meeting.

Ayes: Alperin, Bernstein, Parikh, Hoffman, Williamson

Unfinished/New Business

Evesham Owner, LLC **ZB 13-21**

Appeal of Decision by Township Zoning Officer

101 Rt. 70 East, Block 27.02, Lot 2 (Tri-Towne Plaza) (C-1/EVOC Zone District)
Applicant is appealing a Refusal of Permit issued by the Evesham Township Zoning Officer to construct façade renovations, and interior demolition work on the subject property.

Richard J. Hoff, Jr., Attorney for Applicant

Rob Axel Kasuba for Mr. Hoff. Mr. Birdoff, RD Management will not be at the meeting this evening.

Anand Bhatt, Civil Engineer and David Nicholson, sworn in.

Matt Wieliczko, Solicitor reviewed testimony for the board from the last meeting.

ZBA 1 - Chris Rehmann, Engineer dated January 17, 2014

Exhibit A9 – Letter from Richard J. Hoff, Jr dated January 27, 2014.

Mr. Kasuba – if board overturns the denial from the Zoning Officer, applicant would not move the entrances.

Letter dated January 27, 2014 from Mr. Richard Hoff, Esq. answering issues from Adams, Rehmann & Heggan was reviewed.

1. When new tenants come in site plan approval will be necessary.
2. The safety of pedestrians and patrons during any construction is an issue addressed by the Uniform Construction Code;
3. Parking analysis to determine if there is sufficient parking is site plan review;
4. The design themes are set forth in the applicable ordinance. Building will be made consistent with Kobe Grill design.
5. Goal is to renovate façade and improve it.

Matthew Wieliczko, - denial of zoning permit was based on 127-2. Questioned whether the zoning permit was given to the zoning board.

Exhibit A10 – 2 bundles of drawings; smaller bundle is for interior demolition A100, 101, 200, 201 and 202.

Exhibit A11 – 2nd bundle has 17 sheets: T000, A100, 200, 201, 202, 300, 301, 302, 303, 304, 305, 306, S1, S2, S3, S4 and S5.

Professional Reports

Chris Rehmann, Engineer – report of January 17, 2014.

Gave a summary of the report.

Façade changes being made, architectural critical, need to review site plan;

Changes to entrances define different uses;

Why do later, changes could impact ADA.

Safety requirements for pedestrians.

Parking Analysis.

Design theme should be left to the planning board.

Mr. Wieliczko – question is should board uphold the Zoning Officers opinion?

Richard Orth, Traffic Engineer

Concerns were shown by Mr. Rehmann, also ADA, loading and unloading, parking concern of the operation of Kobe Grill.

Candace Kanaplue, Planner

Reviewed Mr. Rehmann's report and concur what was mentioned, unified design theme, redevelopment area was approved by the Township in October 2013, EVOC area, more critical to look at the design standards.

Allison Shopping Center just went to the planning board for site plan review for changes to their façade.

Rakesh Darji, Environmental

Agrees also with Mr. Rehmann's report and will add the internal demolition, former uses in center leave a concern.

Public Portion – no comment.

Alperin made a motion to uphold the decision of the Zoning Office that site plan review is required, seconded Bernstein

Recorded Votes

Ayes: Bernstein, Hoffman, Rogers, Alperin, Parikh, Fitzgerald, Williamson

Naes: None

Abst: None

Motion approved 7-0-0

Krysta Enterprises, LLC

ZB 13-19

Use Variance

170 Sharp Road, Block 14, Lot 3 (IP Zone District)

Applicant is seeking a Use Variance to construct 66 townhouses on an approximate 29 acre site.

Timothy M. Prime, attorney for applicant,

David Fleming, Engineer, Robert Cogan, Architect, Andrew Feranda Traffic Engineer, James Miller Planner sworn in.

Mr. Prime there is 2 exhibits

A1 – variance plan

A2 – aerial photo

There are existing developments on Sharp Rd. This site is 28.7 acres and is zoned Industrial. It is completely residential on the west side of Sharp Rd.

A1 – MDR Zone townhouse development. Would like to build 66 townhouses on this site.

A2 – shows wetlands and buffer areas, Ellis site would need a large buffer.

Industrial zone requires 100' buffer, variance will be needed for 50'. Will also need DEP permits.

There is also an affordable housing component; which applicant will agree to.

Mr. Fleming, engineer

66 units, wetland buffer reduction, aware of some issues, looked at site with the issues in mind.

Robert Cogan, Architect

A3 elevation – conceptual – buildings will be of 5 and 6 units, double wide with 2 car garages. They will be brick, vinyl siding, 3 story, 3 bedroom.

Andrew Fernda, Traffic Engineer

Did traffic study originally for 156 apartments.

Site could have a 150,000 sq. ft. industrial park use or 300,000 sq. ft. office building.

James Miller, Planner

A2 – aerial exhibit – there are substantial wetlands on the site. The Ellis Site is being remediated.

A special reason would be property is suitable. There are site specific characteristics.

A poor site for an industrial use. Applicant will contribute to the affordable housing.

Trucking firm is about 900' away with buffer will be about 1100'.

Professional Reports

Chris Rehmann, Engineer – report of December 3, 2013.

Richard Orth, Traffic Engineer – report of December 2, 2013.

Candace Kanaplue, Planner – report of December 3, 2013

There is water and sewer available on site. Has a concern with the Ellis property.

Rakesh Darji, Environment – report of December 24, 2013.

A disclosure letter required for the homeowners.

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Public Portion

Rob Kasuba represents Boyles Trucking Co at 130 Sharp Rd.
Applicant has an objection to the use variance applications.

Questioned David Fleming, Engineer

There are substantial wetlands on-site? Answer has an LOI
Sewer will be on-site across the street from site; capacity of treatment plant?
Answer – no aware

Questioned James Miller, Planner

Mr. Kasuba – Discussed site being suitable or use, Ellis site under remediation,
Affordable Housing set-aside

Candace Kanaplue, Planner

There are different options for the MDR affordable housing. 2006 there was a multi-family application that was withdrawn.

Mr. Kasuba

Exhibit 01 – Letter from Parker, McCay
Exhibit 02 – Master Plan dated August 17, 2006

Timothy Prime to James Miller – cross examined testimony regarding Ellis Site.
Mr. Miller if developed must go to one of the boards.

Public Portion closed

Matt Wieliczko – applicant is requesting a use variance and a bulk variance for 50';
sales disclosure and soil being removed from site.

Bernstein based on testimony approve the use and bulk variance subject to all
discussed including affordable housing and professionals testimony, seconded Parikh

Recorded Votes

Ayes: Bernstein, Hoffman, Rogers, Lowden, Alperin, Parikh, Fitzgerald, Williamson

Naes: None

Abst: None

Motion approved 8-0-0

Fernmoor Homes at Evesham LLC

ZB 04-58FA

Amend Prior Major Site Plan Approval – Sharps Run Seniors

Sharps Run Court, Block 15.14, Lots 1.01, 8 & 9 (SEN 1 Zone District)

Applicant is seeking amended final major subdivision approval for Sharp Run Seniors to construct a permanent cul-de-sac on Sharps Run Court.

Lewis Kurland, Attorney for Applicant

Brian Peterman Engineer, sworn in.

Mr. Kurland - Applicant would like to amend the final subdivision by making Sharps Run Court a permanent cul-de-sac. Part of lot 9 will be deeded to the open space. There is a home on lot 8. 3 easements allows for the cul-de-sac deeded to Evesham Township and have been recorded and filed.

Mr. Peterman Engineer

Purpose of the cul-de-sac for 2 lots 8 & 9 is to restrict open space on lots 32 & 33. There is a sidewalk on lot 32, 33, 34 and lot 8. A grading plan was submitted. On the west side sidewalk will have a handicapped depression and ramp on west and east side. There is a piece in the wetlands and a sidewalk cannot be put in.

Exhibits for recorded easements: A2 lot 1.01, A3 lot 8 and A4 lot 9.

Professional Reports

Richard Orth Traffic Engineer – report of January 7, 2014

Candace Kanaplue, Planner- report of January 2, 2014

Street trees are indicated on the plan along the proposed cul-de-sac. It is recommended that the applicant install an evergreen buffer along the side of lot 8 (block 15.14) to minimize glare into the existing dwelling from cars driving around the cul-de-sac at night.

Rakesh Darji, Engineer – report of January 17, 2014

#6 Light pole should be located to permit extension of the sidewalk.

#8, 9, 10, 11,13 are original design plans.

Public Portion

Fred DeAntone, Homeowners Association

If cul-de-sac is eliminated it should go to the association.

Rakesh Darji, engineer – bonding is in place already.

Matt Wieliczko, solicitor – reviewed testimony

Applicant work with professionals, evergreen buffer, forms for amendments for easement; board satisfied with the location of the cul-de-sac.

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Bernstein made a motion to approve the application subject to all conditions, seconded by Rogers

Recorded Votes

Ayes: Bernstein, Hoffman, Lowden, Rogers, Alperin, Parikh, Fitzgerald, Williamson

Naes: None

Abst: None

Motion approved 8-0-0

Resolutions

ZB 13-16 Valenzano

Parikh motion to approve, seconded Rogers

Ayes: Hoffman, Bernstein, Rogers, Alperin, Parikh, Williamson

A motion was made to Williamson and second by Rogers to nominate Hoffman as Vice Chairperson

Ayes: Bernstein, Lowden, Rogers, Alperin, Parikh, Fitzgerald, Williamson

Abst: Hoffman

A motion was made by Hoffman and seconded by Parikh to nominate Bernstein as Alternate Vice Chairperson

Ayes: Bernstein, Lowden, Rogers, Alperin, Parikh, Fitzgerald, Hoffman, Williamson

Adjournment 10:35 PM

Approved by Board

Regina Kinney, Secretary

Terri Bracchi, Recording Secretary