

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

15 June 2015

7:00 P.M.

Municipal Building

Call to Order Chairperson Williamson

Flag Salute

Statement of Conformance with Open Public Meetings Act

Chairperson Williamson read the statement of conformance with the Open Public meetings and the Municipal Land Use Legislation.

Roll Call

Present: Chairperson Williamson, McGoey, Rodgers, Alperin, Hughes, Parikh, Laspe

Also Present: Matthew Wieliczko Esq., Solicitor; Leah Furey Bruder, PP, AICP, Bach Associates, PC; Chris Rehmann, ARH, Engineer; Rakesh Darji, ERI Traffic and Environmental Engineer; Regina Kinney, Secretary; Loretta Horton, Recording Secretary

Absent: Bernstein (arrived late), Lowden

Minutes: Motion to approve 4 May 2015 minutes by Parikh, second by Rodgers

AYES Williamson, McGoey, Rodgers, Alperin, Parikh, Hughes, Laspe

Continuation of Scheduled Matters

A. UNFINISHED/NEW BUSINESS

1. Joseph Orlando

ZB 15-12

7-20-15

Use Variance-Bulk Variances

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

Applicant is seeking a Use Variance to permit a parking lot as a principal use for a parcel in Evesham Township to be used for a daycare center located on the adjacent property located in Mt. Laurel Township

Jeffrey I. Baron, Attorney for Applicant

Site Plan not prepared to submit yet-parking lot must be approved first.

Applicant agrees to come back to the Board for site plan approval as necessary.

Mr. Mancini, PE sworn addressed exhibit A1 shows site variance plan.

Exhibit A2 Aerial view.

Applicant will come back to Board for approval if the parking lot is NOT intended to be used for the Daycare Center.

Use is consistent with the C-2 district as an *accessory* use. No detriment to public good.

100% Clearing already done.

Mr. Darji agrees to review the site plans and assess same at a later date and his prior letter states that.

Ms. Furey Bruder no concerns with Use variance.

Cross access easement at site plan approval.

Trash enclosures variances may be granted at site plan approval.

Need bollards in parking lot of Daycare center.

Soil testing to be done.

Site plan will include setbacks for review.

Public Comment:

DIPIPA Shah, 270 Grisscom – interested in the Burns Buick application.

Sworn for testimony for **Burns Buick**- She would like to be contacted by cell phone due to her physical condition when the application is presented. Mr.

Wieliczko agreed to contact her.

Motion to ZB 15-12 – Joseph Orlando - approve Rodgers

Second by Parikh

AYES Williamson, McGoey, Rodgers, Alperin, Parikh, Hughes, Laspe

2. Cellco Partnership a/b/a Verizon Wireless **ZB 15-10**

Use Variance-Minor Site Plan

100 Harvest Road, Block 6.10, Lot 1 (INS Zone District)

Applicant is proposing a telecommunications facility consisting of a 120 ft. tall monopole for the attachment of 12 antennas with ground equipment within a secured fenced in compound area approximately 1536 sq. ft.

Debra Shulski, Attorney for Applicant

Board member Laspe recused herself as she is school district employee.

Sworn testimony by:

Greg DeStefano, Network Building Site Acquisition

James T. Kyle, PP

Bryan Grebis, Radio Frequency

Ronald J. Igneri, PE, Stantec Consultants

Exhibits presented and marked.

Testimony from applicant experts given to justify Use and Bulk variances.

Property owned by School District-19 acre parcel, with trees they would prefer to leave in place. This area is chosen as it allows for structure, cabinets and the needed ground area.

Capacity vs Coverage

No other viable alternative.

No other structure will suffice.

No remote option.

Minimum height proposed.

FCC regulations for radio frequency are making this 200x below exposure to public.

Water tank, stealth pole, generators need to be at base of tower/pole.

Tower will be monitored 24/7, no trash, gravel access to site, 8' fence for security and to keep deer out, 200' to closest resident, there will be a gate for techs to visit every 4-6 weeks.

Township Planner, Furey Bruder, Need for site has been presented by applicant and seems to be sufficient. Fence is appropriate, Planner cannot agree to site placement, she feels the pole should be moved back 50'. Move compound back, prepare a landscape plan as part of conformance review. This pole will still be visible, but it should be shifted to the North. Revise the plan, and eliminate the variance for setbacks. USE and Fence are left for discussion.

Mr. Darji wants to know about site and moving it back 50' will not impact wetlands and more Detail about signage and radio frequency.

Mr. Darji will also videotape condition of Harvest Road street before and after construction.

Mr. Parikh wanted clarification about LTE method of carrying voice calls.

Applicant advised:

The techs need to know FCC limitations. Alarms would alert if public exposure levels are exceeded. Also shutdown of transmitters-techs have to be aware of their working conditions.

Public Comment

Robert Kurtz, 37 Continental Lane

Resident is a detective and Marshall. He is concerned about copper wire and vandalism and batteries. He is concerned about the statistics of this being a security problem, even with the techs themselves.

Susan Murphy, President of HOA Orchards at Greentree. 6204 Red Haven Drive
Concerned about gravel entrance, Harvest Road is privately owned and even the police are not allowed to ticket speeders.

Concerned about snow removal, kids in the woods, BOE should get revenue, Also the Construction site and the building impact.

Applicant noted that it can be built in 6-8 weeks during the daytime from 8a to 3p.

Roger Decker, 6206 Red Haven Drive

Soil erosion on the apron is a concern.

Resident was assured the builders will go around manhole, do grading, meet codes, there will be a locked gate that swings open by technician.

Nancy Lapidow Johnson, VP of HOA, 6201 Red Haven Drive

Concerned about preserving wild life.

Dennis Falconiero, 5802 Red Haven

12 Antennas at 10' intervals below top of pole. Does that mean other carriers may be on the compound. FCC exposure to radio frequency must be considered. High tension wires are already a concern. Notice and planning does not seem to be adequate for residents.

Tom Paspastuszek, 403 Jonathan Lane

Concerned about Foundation, cranes, the deed was to build a school, not towers. Any damage to street, the contractor and applicant should be liable. The high power lines may have already deterred the building of a school. Health problems for community.

Mr. Alperin has concerns about the vandalism prefers a history of criminal activity at these sites.

Applicant responds there are sealed walls, radio equipment in secured building. The techs have to alert that they are at site. Site is monitored remotely 24 hours a day.

Traffic safety plan should be provided as suggested by Mr. Rehmann to police department prior to construction. Also build site after recreational POOL is closed for the season.

Revenue for the BOE can be pursued through public records.

Applicant must determine who owns the Private access Road.

Applicant may need to work with the HOA attorney in case they need another route to the site.

Waiver form for action dates will be sent to applicant by Regina Kinney.

Applicant advised to prepare transcripts and send out for review.

Application ZB 15-10 Cellco Partnership has been carried until August 17, 2015- no further notice necessary.

3. Burns Buick GMC, Inc. ZB 14-16

Major Site Plan – Prel/Final

600 Marlton Pike West, Block 23, Lots 2.01 & 2.02 (C-1 & EVCO Zone District)

Applicant is proposing a 5,442 sq. ft. car wash and detail facility associated with the car dealership. A Use Variance was received from the Zoning Board on 12/15/14

A. Steven Fabietti, Attorney for Applicant

Peter Lanzavecchia, Pres Burns Buick GMC

David Plante, PP, CE

Public Comment:

Mike McCullen, 268 Griscom Court

Very satisfied with attention to concerns by applicant.

Concern about smelly trash enclosures – should be for packaging only.

The height of evergreens will be high enough on berms to be sufficient.

The building was lowered 5' that is great.

Plain building non descript – good.

Ms. Peka Shah-sworn in earlier -was contacted to present her testimony. She indicated she went home.

Conditions of Approval-

Install sidewalks on Marlton Pike frontage.

At discretion of the applicant -North or South side as condition of approval.

Paint the façade in conformity with the exhibits.

Provide a 2 year maintenance bond for all Landscaping.

Architectural enhancements not necessary as the cars will be blocking building.

Color of façade should be painted as depicted-not entire facade.

Fence and evergreens should be established and then the site satisfied by attorney along with approval from the HOA attorney-buffering should be adequate as a condition of approval.

Irrigation should be considered to make the landscaping take hold.

Erect Promenade lights at site. Especially 3-4 more lights. Western side.

Make all box lights black.

Masonry trash enclosures .

Drought tolerant plants on island.

Post and rail fence remains.

Landscape Plans for shade trees, shrubs A-C Plans please make it an adequate opaque buffer.

Mr. Darji:

Please provide an abbreviated environmental report-even a minor one would be suggested.

Burlington Cty Planning Board – get approval for traffic.

Easement approvals.

Mr. Rehmann wants a copy of sanitary sewer easement.

Provide Infiltration rates or 3 borings of soil -show that soil has percolation.

Regrade near Oak tree minimize damage or impact.

Support installation of sidewalks.

Noise levels and blower have been addressed as the doors will be shut.

1-2 more trees at frontage.

2 performance guarantees

1 Landscaping Bond

Estimate and submit all costs after approval.

Paint the building a light color.

One way drive aisles.

Motion to approve ZB 14-16 Burns Buick GMC, Inc. - Parikh
Second by Rodgers

AYES Williamson, McGoey, Rodgers, Alperin, Parikh, Bernstein, Laspe

4. Gary & Melanie Schneider ZB 15-08 8-17-15

26 Continental Lane, Block 38.03, Lot 4 (MD Zone District)

Applicant propose to construct a 600 sq. ft. inground pool, 8 ft. side yard setback for pool and pool equipment, 15' required, 8 ft. rear yard setback for pool, 15' required.

Mr. Grigione, Landscaper sworn with applicants.

Board member McGoey recused himself.

Public Comment:

Jason Reeve, 28 Continental Lane
Attorney Jeffrey Baron

Concern about weeds between fences

Landscaper could damage fences

Drainage pattern has not been given clearance by Mr. Rehmann.

The swale for drainage runs down and he has a finished basement of concern.

Ms. Anne Picciano, 20 Continental Lane

Setback is not clear that it will actually be 8' from concrete/construction edge not the water.

Solicitor offered a **Summary** of prior clarifications before applicant can be approved:

Revised pool grading plan must be revised and submitted.

Property line, fence, and trees please clarify.

Ms. Kinney advised that the code suggests the fence must be placed on the property line.

Each property owner has the right to Permit the fence regardless of a pool.

Pathway on westerly side of property can accommodate smaller building equipment-no heavy dumptruck. All equipment must stay on applicant's property.

Hardships cannot be self inflicted.

Mr. Varadaraja Tekal, 24 Continental Lane

Concern: Equipment may damage his property. The shrubs and the property line may be misrepresented in pictures.

Mr. Rehmann suggests a survey so that property lines are staked out. Equipment will be on the applicant's property. The shrubs belong to the applicant. Any PVC pipe will be 5' from property lines.

Mr. Baron, Attorney, for Jason Reeve, neighbor:

Landscaper is not a surveyor nor an Engineer. 50% variances on 3 sides unheard of. A substantial portion of the rear yard has been used already with an addition in the rear yard. To fill it up with a swimming pool may create a self created hardship. Adequate area needed for open space.

Code section 62-26 no spillage onto adjoining properties. The Berm is not guaranteed to work in perpetuity.

This 6' high fence may be construed as a spite fence and not a coincidence.

The Engineer is not here to testify. No expert testimony to address the drainage.

Applicants' Response

Beautiful home with patio. Patio was upgraded with an addition and intention was not to change footprint but soil had drainage problem and was corrected by adding French drains. The fence is a privacy fence and we want a dog. Do not want the dog going through the fence. The rear yard is a swamp. It cannot be enjoyed without getting your sneakers wet. A pool was suggested to avoid this problem any further. Our yard collects rain water from the other neighbors. The documents submitted have a raised seal. This should be sufficient in lieu of testimony. Applicant upgraded with French drains as necessary to build patio and addition.

Mr. Baron submitted a survey of the property for review. The survey shows setback of 10' versus 6' for machinery, cannot determine actual distance. This will impact equipment type needed to excavate for pool and will possibly impact the neighbor.

The construction shows a porch and addition. Things are submitted but possibly built differently.

Ms. Hughes Motion to Deny application ZB15-08

Second by Laspe

AYES Parikh, Rogers, Laspe, Hughes, Williamson

No Alperin

Resolutions

ZB 14-17

Motion to approve Parikh

Second by Rodgers

AYES Williamson, Rodgers, Alperin, Parikh, Laspe

ZB 15-07

St Joan of Arc

Motion to approve Rodgers

Second Parikh

Ayes Williamson, Rodgers, Alperin, Parikh, Laspe, Hughes

ZB 14-05

Marlton QSR Donuts

Motion to approve Hughes

Second by Rodgers

AYES Rodgers, Alperin, Parikh, Hughes

Board Comment Ms. Williamson will not continue in her role as Chairperson, thank the board for their support

Communications/Organization

Meeting Adjourned: 1:15 a.m.

NEXT MEETING: July 20, 2015 – Reorganization Business