

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

**23 February 2015**

**7:00 P.M.**

**Municipal Building**

**Call to Order**

Vice Chairperson Bernstein called the meeting to order at 7:02PM

**Flag Salute**

**Statement of Conformance with Open Public Meetings Act**

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

**Roll Call**

Present: McGoey, Rodgers, Bernstein, Hughes, Laspe, Lowden (Parikh arrived after meeting called to order.)

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

Absent: Williamson, Alperin

**Minutes: January 22, 2015**

Motion to approve by Rodgers, seconded by Hughes

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**Continuation of Scheduled Matters announced by Matt Wieliczko**

<b>ZB 15-01</b>	<b>Joseph Orlando</b>	<b>3-16-15</b>
<b>ZB 14-17</b>	<b>New Road Real Estate, LLC</b>	<b>3-16-15</b>
<b>ZB 14-05</b>	<b>Marlton QSR Donuts, Inc.</b>	<b>3-16-15</b>

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**UNFINISHED/NEW BUSINESS**

**1. TimberRidge @ Sharp Road, LLC                      ZB 14-15                      2-27-15**

**Major Subdivision-Prel/Final**

**aka Devonforde II**

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

Applicant proposes to subdivide property to create 19 lots for SFD, 3 lots for Open Space and stormwater management. A USE Variance was received 9/15/14

Timothy Prime, Attorney for Applicant

Dewberry Architects

Review letters have been reviewed and there are no objections to bring forward.

Mr. Prime wants a use variance for age restrictions on the development to be modified. He also articulated that some of the dwellings may back up to a main road and he would like a bulk variance for fences to be allowed for the residents to have privacy.

The open spaces mentioned are preferred to be in lots rather than in vast areas where the HOA would have to maintain them.

No active recreation areas proposed.  
Will do a final amendment of plans.  
Presented exhibits and stated he will recommend an HOA for these subdivisions.  
Entered exhibit A1 2-23-15 for rendered copy of Devenford II – Lot 98

**Wieliczko Summary-**

Anticipate summer construction  
County Road improvements-widen frontage, sidewalks near Legacy Oaks, Evesboro Road and Sharps Road to pump station.  
Two entrance signs will be erected.  
Drainage-Stormwater to go into Sharps Run Basin (negotiating with HOA)

Ms. Furey Bruder, PP, referred to Bach Associates, PC, letter dated January 5, 2015 which describes the site and all pertinent points, zoning criteria, recommendations, and comments. See charts in her review letter.

She called attention as well to the planting of a line of trees which will be cleared for storm pipes and then a buffer of evergreen trees will be planted.

Applicant wants 6' fences on 4 lots for privacy purposes-however these fences will be setback 25'.

Regarding landscape easements, language required to maintain the buffer is necessary. This language will require the lot owners to maintain same. Lot owners need to know their responsibilities.

Wetlands- signs will be erected - to not disturb the wetland buffers.

Planner in field will landscape and comply with the planner and engineers conditions and requests.

Applicant has agreed with Bach letter dated 02/23/15 and ERI letter dated 2/20/15.

As to buffer around perimeter, issues will be resolved later.

Signs are modest and attractive. Engineer has asked for a sign easement.

Architecture will be in keeping with the standard SFD in area.

Elevations and permits will be submitted later to Community Development for review and approval.

Corner lot Elevations should not be "blank walls".

Affordable housing contributions will be complied with.

Mr. Darji, PE, of ERI sited 2 review letters from ERI completed by himself and Stacey Arcari, PE the first dated January 9, 2015 and the second letter dated February 20, 2015.

All pertinent points were noted, and suggested revisions were listed; as well as ordinances that should be followed and incorporated into the development schedule to indicate compliance.

i.e. January 9, 2015 ERI letter paragraph 9, page 4 STORMPIPES

Applicant must make P.O.S. disclosures regarding activity on site.

Traffic impact not significant- County may suggest other requirements.

Mr. Darji and Ms. Furey Bruder were sworn.

Mr. Prime noted that lot numbers are not accurate- they are number 99 which is Devonforde I and Devonforde II lot 98.  
He noted Board professionals have corrections.

**Public Comment**

Fred DeAntonis, 15 Crane Drive, President of Sharp's Run HOA  
Was pleased to hear that his original concerns have been addressed at the Board meeting. He would like curbing/blocks around cul-de-sac finished. Applicant agreed to complete the existing cul de sac that was built by a prior developer with Belgium blocks. The resident wanted landscaping improvements. Ms. Furey Bruder explained the need to clear for stormwater pipes and then plant evergreen buffer.  
Mr. Darji referred to stormwater run-off-easement will be negotiated with dues or flat fee with Sharp's Run Senior HOA as per applicant.

Applicant was reminded this meeting is on record. He was read a summary of all points by Mr. Wieliczko, and agreed to all conditions and terms for the substances of the professionals letters, variances as noted above for the minor and major subdivisions for the preliminary and final.

A motion was made by Rodgers to approve the application with the conditions, seconded by McGoey.

AYES McGoey, Bernstein, Rodgers, Lowden, Laspe, Hughes  
Absent Parikh, Alperin

**2. Kerry Holt** **ZB 14-21** **3-8-15**

12 Chateau Circle, Block 11.36, Lot 5 (LD Zone District)

Applicant is proposing to construct an 18' x 36' in ground pool with a rear yard setback of 5' where 15' is required, 7' side yard setback where 15' is required and 5' side yard for pool equipment where 15' is required

Gary Cop, Jersey Pools

Steven Heicklen, Jersey Pools

Mr. Rehmann of ARH reviewed the application submitted for the pool and addressed key points in his letter dated January 7, 2015. He would have preferred 26 foot yard area to preserve open space- green space for dog and children as mentioned by Mrs. Holt.

Site needs (2) french drains leading to the front of the property

Elite Landscaping will complete hard and softscaping.

Ms. Holt had a letter from her neighbor dated 1/24/2015

Attorney Wieliczko asked that the letter from the neighbor, Pamela Lam, be entered as Exhibit A1.

Exhibit A2 Application/landscaping plan from Elite Landscaping.

The drainage requirements will be determined by Mr. Rehmann on site at a future date.

**No Public Comment**

**Board Comment**

Mr. McGoey suggested special attention be paid to the south portion of pool, neighbors, the top elevation of the pool and grading plan for such.  
Stitch trench discussed and supported by Mr. Rehmann  
Mrs. Holt agrees to French drain(s) aka stitch trench.  
Backwash water component will be attached to existing French drain.

Motion made by Rodgers to approve application with conditions, seconded by Hughes  
AYES McGoey, Bernstein, Rodgers, Lowden, Hughes  
NAYS Laspe  
ABSENT FOR VOTE Parikh

**3. Todd & Nicole Hyman ZB 14-22 4-7-15**

4 Corian Court, Block 35.09, Lot 57 (MD Zone District)  
Applicant has constructed an in ground pool that encroaches into drainage easement & does not meet the side yard setback. Existing shed also encroaches drainage easement. Nicole Hyman, Todd Hyman and Simon Darlington owner of Darlington Designs sworn in.  
Mr. Darlington advised that he made a mistake in the scale of the project and apologized for his error. He also advised that he used a shed as a reference point, which caused a further mistake.

Exhibit A1 of property photos distributed to Board for review.  
There was a retaining wall installed which infringed on an easement line.  
Mr. Matt Wieliczko, Solicitor, summarized that the drainage easement may have pipes, it must be maintained, the homeowner will bear the expense, if any, to maintain the easement and agreed to hold the township harmless; no expenses will be billed to the township.  
The homeowners agree to notify the township engineer if they intend to modify the southern portion of their property, or any work to be done to the swale or the pitch thereof.

**Public Comment**

Joann Burke of 3 Corian Court gave a statement that dirt was removed from the easement at one point, fortunately it was a temporary measure, she also believes the drainage easement does not have pipes.

Motion made by Rodgers to approve application with conditions, seconded by Parikh.  
AYES McGoey, Bernstein, Rodgers, Alperin, Lowden, Parikh, Laspe, Hughes

**4. Christina Viviani ZB 14-23 4-25-15**

11 Apple Way, Block 3.31, Lot 1 (MD Zone District)  
Christina Viviani and Daniel Kearney were sworn in.

Exhibit A-1 Greentree HOA Approved original plan from 10/8/2014

Exhibit A-2 Full plan of the survey  
Applicant is proposing a 6' fence in a front yard on a corner property.

All manner of site triangle obstruction was discussed and measured out on the survey and used as a reference tool by Chris Rehmann (ARH).

The permit could be granted with the following conditions noted:  
The fence is not to extend to the SE corner of the property.  
No longer than 60'  
The gate must be installed on the Apple Way side  
Homeowner Association approval

Motion by Parikh to approve the application with the conditions, seconded by McGoey.

**Recorded votes**

Ayes McGoey, Bernstein, Rodgers, Lowden, Parikh, Laspe, Hughes  
Naes None  
Abst None  
Motion approved 7-0-0

**5. Thomas Witts** **ZB 15-02** **5-6-15**

224 Poplar Ave., Block 81.13, Lot 11 (RD 1 Zone District)  
Applicant has constructed a 18' x 21' carport in the front yard setback.

Applicant sworn in.  
He did not intend to avoid a permit application, as he has a history of obtaining and paying for permits.  
Car port is in place.  
Structure anchored with 4' screws into ground.  
To be used for a classic car purchase resident is making.  
It should be 60' from roadway, it is at 39' from roadway.  
Per Mr. Wieliczko, 12.5' is required for sideyard setback. At present, the structure is 5' from property line.

**Public Comment**

Ms. Ronnie Libby was sworn in, she resides at 226 Poplar Avenue.  
She did not intend to cause problems for her neighbor, she just wants a verification of the property lines.  
She questioned the placement of car port as it pertains to the property line only. She does not object to the placement of structure as it stands.  
In the future she may sell the home, and wants to avoid property line disputes.

**Board Comment**

Mr. Bernstein would like the car port moved closer to the corner of the garage and since this is not feasible at this time, the Board wants Mr. Witts to:  
Reapply for a permit for car port.

Supply a sealed, survey of the property. The Land Surveyor will monument the actual common boundary, verify front and rear corners per Mr. Rehmann of ARH.

**Summary of conditions**

A land surveyor must determine the property lines.

Put a permanent marker at the NW corner of property line; which borders with Ms. Libby.

The car port can stay where it is for now. No closer than 4' to Ms. Libby's border and no closer to roadway than 39'.

Mr. Wieliczko thanked Mr. Rehmann for his expertise in this matter, which was to the benefit of Mr. Wieliczko.

Motion to approve application with conditions noted, made by Parikh, seconded by Rodgers.

AYES McGoey, Bernstein, Rodgers, Lowden, Parikh, Laspe, Hughes

NAYS None

**Resolutions**

ZB 14-16 Burns Buick GMC, Inc. Use Variance

Rodgers made a motion to approve, seconded by Hughes

Ayes: Lowden, Rodgers, Laspe, Hughes

ZB 13-16EX Anthony & Joanne Valenzano

Rodgers made a motion to approve, seconded by Hughes

Ayes: Lowden, Rodgers, Laspe, Hughes

ZB 08-06EX

Si-Tam Associates LLC

Rodgers made a motion to approve, seconded by Lowden

Ayes: Lowden, Rodgers, Laspe, Hughes

Regina Kinney announced a full agenda for the next meeting on March 16.

**Adjournment 9:20 PM**

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Approved by Board

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Regina Kinney, Secretary

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Loretta Horton, Recording Secretary

**NEXT MEETING:        March 16, 2015**