

## **TOWNSHIP OF EVESHAM**

### **Zoning Board**

#### **Minutes**

**7:00 pm**

**2 May 2016**

**Municipal Building**

#### **Call to Order**

Chairman Parikh made the call to order at 7:05 pm.

#### **Flag Salute**

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

Chairman Parikh made the statement of conformance with the Open Public Meeting Act and the Municipal Land Use Legislation

#### **Roll Call**

**Present:** Parikh, Hoffman, Rodgers, Lowden, Alperin, Hughes, Amato, Lutner

**Also Present:** Wieliczko, Furey, Dariji Kinney, Bittner

**Absent:** Laspe, Wessner, Arcari

#### **Minutes: April 18<sup>th</sup>, 2016**

Motion: Rodgers

Second: Hughes

Ayes: Parikh, Rodgers, Alperin, Hughes, Amato

#### **Unfinished/New Business:**

1. **Patrick & Mary Moore, ZB 16-09**

*4 Chateau Circle, Block 11.36, Lot 1 (LD Zone District).*

*Applicant proposes to install a 15'2"x32' in-ground pool, with a rear yard setback of 5' where 15' is required.*

*Patrick and Mary Moore, 4 Chateau Circle are sworn in as witnesses.*

#### **Exhibits:**

A1: Updated grading plan revised. Dated 4/21/16.

#### **Background of Project:**

- Applicant is seeking to build an in-ground pool with a rear yard setback of 5' where 15' is required.
- After receiving review letter from Mr. Rehmann, they amended the grading on the site.
- Applicant seeks to build a pool for recreation purposes. The size and location is what works for the yard, and is the safest option for the family.
- Property is located on a corner lot, which is why they are seeking a variance.
- Mr. Rehmann asks about the 3' walkway around the pool. Applicant provides more details. The rear southern property line will have a 3' wide walkway around it. The Pool

is 8' from the water line to the property line, and the walkway is 5' from the edge of the pavement to the property line.

- Revised plans show updated drainage for plan. There will be three drains which will discharge onto side yard, and onto Chateau Circle.
- Applicant states that drainage accumulates in backyard due to grading. Placing extra drains will help with this. Neighboring properties are graded higher, and do not have drainage issues. Chateau Circle itself has no flooding problems.
- Fencing on site will remain as-is.
- Pool equipment will be placed in the corner, 5' from the fence.
  - Discharge will go onto the yard, and onto the street.
  - *Mr Parikh asks if that requires a variance for the pool equipment. Mr. Wieliczko says it is within the requirements, so no variance is needed.*
- Mr. Wieliczko asks if there are any conditions from Mr. Rehmann's letter that the applicant does not agree with. Applicant states they agree to all items as a condition of approval.
- Mr. Wieliczko tells the applicant that they must give notification of construction to Evesham Township, and mark outs must be provided. All sidewalk damage must be replaced. The contractor for the pool must build the pool exactly as it is proposed currently.

**Public Comment:**

Elizabeth J. Gross, 5 Chateau Circle: Concerned about the drainage from the pool onto the streets. Sewer grates do not properly go into the sewer line. Concerned with what will happen to the street from pool discharge. Mr. Rehmann says that Public Works would look at inlet if it is broken. In regards to drainage there is nothing to be concerned about, it should not cause issues on the street.

**Board Comment: None**

Motion to Approve ZB 16-09

Motion: Hoffman

Second: Rodgers

Ayes: Parikh, Hoffman, Rodgers, Lowden, Alperin, Hughes, Amato, Lutner

*Mr. Rehmann leaves the meeting.*

2. Another Option, ZB 16-10. Bulk Variance-Lot Area

*31 Third Street, Block 117, Lot 16 (MD Zone District-Pine Grove).*

*Applicant is requesting relief for a bulk variance for lot area, 10,000 sq. ft. required 9,356 sq. ft. proposed.*

*Patrick McAndrew, Attorney for Applicant*

*Mark McKenna, Relator, Sworn in as Witness.*

Exhibits:

A1: Variance Plan

A2: Building Architectural Plan  
Background by Mr. McAndrew:

- Property is not conforming to ordinance due to the lack of a small piece located on the property.
- House cannot be designed that'd operate as a conforming house to site.
- Applicant is facing a hardship due to the design of the lot

Mr. McKenna Testimony:

- Relator in Evesham area for over 25 years
- Without variance granted by Zoning Board, nothing can be built on property.
- House would meet all appropriate setbacks if granted variance.
- Design is similar to nearby properties and would tie together existing neighbors.
- Favorable to all comments from the Township Planner
- Foster Avenue will never be built up, as it leads to nowhere.
- No impacts to neighborhood or the neighbors if variance is approved.

Leah Furey, Planner Testimony:

- Letter dated May 2<sup>nd</sup>, 2016
- Application is pretty straight forward. Gives background of the Pine Grove neighborhood. Many lots have been consolidated.
- Application fits the description of the MD Zoning District Guidelines.
- No detriment to granting the variance. There is no way to make the property conform without buying more land.
- Foster Avenue is technicality, and does not need to be paved. Suggests granting a variance on setback of 22' from Foster Avenue where 30' is required. Applicant agrees to this.

**Public Comment:**

Melissa Nieviez Gascon, 44 3<sup>rd</sup> Street:

- Asks the applicant to clarify where this property is located, and the different blocks and lots that are consolidated.
- Mentions a creek going through Block 117 with no storm drainage. Concerned about storm drainage and water problems. Asks board to make sure water drainage will not cause any problems.
  - Ms. Furey responds that once the permits come in, a grading plan can be submitted to ensure no damage is done. The property is not located in a flood zone, so there should not be cause for concern.

**Board Comment: None**

Mr. Wieliczko Overview:

- Applicant is seeking a bulk variance for lot area where 10,000 sq. ft. is required and 9,356 sq. ft. is proposed.
- Applicant states to grant variance due to Hardship Ordinance.

- Heard testimony from Board professionals that this application fits the purpose of the zoning plan, the applicant agrees to a 22' setback from Foster Avenue, agrees to consolidated lots of Block 117, and agrees to all other conditions of approval.

Motion to Approve ZB 16-10:

Motion: Rodgers

Second: Hughes

Ayes: Parikh, Hoffman, Rodgers, Lowden, Alperin, Hughes, Amato, Lutner

3. Krysta Enterprises LLC, ZB 13-19A. Amended Preliminary and Final Major Subdivision 170 Sharp Road, Block 14, Lot 3 (IP Zone District).

*Applicant proposes to build (66) Townhomes and (6) Affordable Housing Condominium units. Use Variance to permit residential use in the IP Zoning District granted by the Zoning Board on 2/24/14. Preliminary subdivision approval granted by the Zoning Board 4/20/15.*

*Timothy Prime, Attorney for Applicant*

Witnesses Sworn in:

Walt Bronson, Engineer

Jim Miller, Architect

Exhibits Presented:

A1: Colored rendering of Landscaping Plan

A2: Architectural elevation renderings of Townhomes and Affordable Housing units.

Mr. Prime Overview:

- Board granted use variance in 2013 and in 2015 granted approval for the homes
- Come to board today for an amended preliminary and final major subdivision plan. Proposing 66 Townhomes, 60 which are market value, and 6 which are Affordable. All will be Townhomes, no Condominiums as proposed before.
- Modifications to Plan:
  - MUA permitted private pump station to be built.
  - Propose 3 story townhomes which are a much more attractive option.
- Variance has been granted for a 50% Open Space Requirement
- Variance granted for length of townhomes. Applicant has reduced the size, but still needs a variance.
- Seeking a Lot Area Variance for a buffer from Sharp Road due to an existing right of way on Township Property. 5.25 ft buffer will be reduced.
- Seeking height variance. Applicant seeks to build a larger peak at top of homes for architectural look.
- Seeking waiver for sidewalks. Will only propose sidewalks within the subdivision.

### Walt Bronson Testimony

- Gives qualifications, is accepted as an expert in their field.
- Gives overview of updated plan.
- Site will be under 30 acres in size. Only 11 acres are not in wetlands.
- Roads are same as to what was originally proposed.
- Building layout is 2ft more narrow than before.
- Creation of private pump station on left hand side of property. Pump station lowered site elevation by 4-5 ft.
- COAH lots have been moved to the left hand side of the property. They will now be townhomes and are clustered with private parking.
- 3 Basins on project site. Applicant will meet all township requirements for basin and stormwater discharge.
  - Water will end up on Sharps Road.
- Site will utilize all public utilities.
- Tree replacement requirements have been met or exceeded what is required.
- Green space/distance between the units and the road is the same. Minor details about the reduced setback.
- Will comply with Board Engineer comments except the following:
  - No need to remove porous project
  - Chain link fence around detention basins. Have resolved this with the new retaining walls on site.
  - Keep flush curve in parking areas and streets to determine whether it is the HOA or Township that maintains the area.
  - Working currently with DEP now for permit process. Once issues are resolved with DEP, will fix all outstanding problems.
- Notes that they will not extend sidewalks beyond property limits. Sharps Road has adequate parking across the street from the property site. Applicant will build crosswalks.
- Mailbox placement is within right of way.
- Affordable Units will have a front porch overhang. Each home will have storage units outside, and the middle units will have storage units inside the property.

### Jim Miller Testimony

- Gives qualifications as Architect: accepted as expert witness by Board.
- Discusses variances that Applicant is seeking, why they should be granted by board.
- Sharp Road Buffer Variance:
  - Seeks another 5ft variance (from existing 50 ft variance) to allow project to be constructed as planned.
  - Little detriment from the relief they seek.
  - Benefits to design of property.
- Lot Area Variance
  - 17 lots along the frontage that are all conforming.
  - This will achieve the goal and standard.
- Height Variance
  - 2 ft. higher than proposed.

- Height is not discernable. Heights will allow roof lines to look more aesthetically pleasing.
- Seeks waiver from sidewalks.
- Mr. Prime discusses the HOA with Township Planner, updated draft of regulations currently underway.

#### *End Applicant Testimony*

#### Leah Furey, Planner Testimony

- Updated Letter dated May 2<sup>nd</sup>, 2016. Original letter from March, but since met with applicant.
- Discusses variances brought up by applicant. The variances they are seeking are nominal in scope.
- Applicant agrees to all conditions regarding to Affordable Housing. Some conditions will be deferred to the HOA regulations.
- Applicant will comply with size of porch which will be 5'. No variance will be needed.
- Applicant is agreeable to all landscaping issues.
- No problems with signage.
- Height of building is acceptable as it is an aesthetic point of view.
- Mr. Alperin asks Ms. Furey to clarify about COAH units and what they look like. Leah clarifies.

#### Rakesh Dariji, Environmental Engineer Testimony

- Revised letter April 27<sup>th</sup>, 2016. Original letter in March, but has revised plans.
- Applicant has agreed to address comments in letter.
- Discusses the fencing issue as it is more of an aesthetic issue. However, there is no objection to the chain-link fence that is proposed. Says applicant should look into a smaller mesh to prevent possible falls.
- Archeological Consultant and State have reviewed site and have found nothing significant.
- Mr. Parikh asks about parking spaces and COAH. Mr. Dariji replies that it is acceptable.

#### **Public Comment**

##### Colleen Fink, 7 Mitchener Place

- Home faces the back of Sharps Road.
- Asks clarification about number of houses permitted. Concerned about the buffer due to the amount of traffic.
- Concerned about aesthetics and property values.
- Concerned that pumping station will go into the Sharps Run neighborhood and wastewater will go into the pond.
  - Applicant responds that there is no impact on the Sharps Run neighborhood. The wastewater will not go into the pond, and the MUA has approved the plan.
- Asks about odor of pumping station and sewage lines. Applicant and Mr. Dariji responds that it will all connect to the existing sewer line which is common practice.
- Asks for clarification on sidewalk and landscaping plan. Applicant addresses questions.

- Asks about price of the homes.

#### **Board Comment-**

- Mr. Alperin asks who maintains the pump station: the HOA will maintain the pump station, the EMUA will have annual inspections paid by the HOA.

#### **Mr. Wieliczko Summary:**

- Applicant is seeking an amended Major Subdivision Plan.
- The builder for the site has been identified this is the final set of plans before construction.
- Applicant proposes to build 66 units (60 Market Value, 6 Affordable Housing)
- Seeking Following Variances:
  - Building Height to be 37' where 35' is permitted.
  - Buffer from Sharps Road from 50' to 47.5' due to expansion of roadway.
  - 11 of lots will be less than 2400 sq. ft.
- Board has heard testimony in regards to waiving requirements for sidewalks.
- Applicant has worked with professionals to resolve outstanding issues.

Motion to Approve ZB 13-19A

Motion: Rodgers

Second: Hughes

Ayes: Parikh, Hoffman, Rodgers, Lowden, Alperin, Hughes, Amato, Lutner

#### **Public Comment- None**

#### **Board Comment- None**

#### **Resolutions**

##### **ZB 16-06, Republic Bank**

Motion: Rodgers

Second: Alperin

Ayes: Alperin, Rodgers, Hughes, Amato, Parikh

##### **ZB 16-07, Rodriguez**

Motion: Hughes

Second: Amato

Ayes: Alperin, Rodgers, Hughes, Amato, Parikh

##### **ZB 16-08, Kulesza**

Motion: Amato

Second: Alperin

Ayes: Alperin, Rodgers, Hughes, Amato, Parikh

#### **Communications/Organization**

Next Meeting: June 20<sup>th</sup>, 2016

**Meeting Adjourned at 9:03 pm.**