

## **TOWNSHIP OF EVESHAM**

### **Zoning Board**

#### **Minutes**

**7:00 pm**

**20 June 2016**

**Municipal Building**

#### **Call to Order**

Chairman Parikh made the call to order at 7:08 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, Alperin, Laspe, Hughes, Wessner, Lutner

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

**Absent:** Lowden, Amato, Arcari

#### **Minutes: May 2<sup>nd</sup>, 2016**

Motion: Rodgers

Second: Hughes

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

#### **Announcements:**

This meeting of the Zoning Board will have no recorded meeting minutes, due to technical issues.

The Mapleton Corporation Application, ZB 16-11 has been rescheduled for the August 15<sup>th</sup> meeting. No further notice or publication will be required.

Mr. Wieliczko notes that Mr. Lutner is not required to vote, as the board has enough members for a quorum.

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

*Other applications will go before Ambrosia Real Estate LLC, ZB 16-05.*

**1. Marlton Properties, LLC. ZB 09-17 EX.**

*810 Route 73 South, Block 35.30, Lot 18.03 (C-1 Zone District)*

*Applicant is requesting a one year extension of its prior approvals.*

*Michael R. Peacock, Attorney for Applicant*

- Applicant is asking for a one year extension for property located at 810 Rt. 73 South.
  - Received approval for a 63 unit hotel/conference center. Applicant received height variance and other variances for site.

- Applicant needs to come before the Zoning Board due to the expiration of the Permit Extension Act. Applicant is allowed to ask for three “1 year extensions” in total before the original approval, which was granted on November 16, 2009 is approved.
- Site has not been developed since original approvals due to the recession, which still has impacted the hospitality/tourism industry.
- If the applicant has no new construction or buyer by July 1, 2017: they will come back to Zoning Board to ask for another period of extension.

**Board Comment: None**

**Public Comment: None**

Motion to Approve ZB 09-17 EX:

Motion: Rodgers

Second: Alperin

Ayes: Alperin, Hoffman, Hughes, Laspe, Rodgers, Wessner, Parikh

**2. CareOne At Evesham Assisted Living, LLC. ZB 98-07 EX.**

*80 Route 70 East, Block 16, Lot 3 (C-1 Zone District)*

*Applicant is requesting a one year extension of its prior approvals*

*Donna M. Erem, Attorney for Applicant*

- Applicant describes that the Board approved an expansion of the facility by 41 beds in 2012. Since then, international building code has changed and the applicant needs time to re-evaluate it's operations.

Mr. Wieliczko Summary:

- Original Approval granted in 2009. Applicant came back in 2012 to seek additional approvals.
- Applicant falls under the criteria of the Permit Extension Act, which has not been renewed.
- Extension period will go from July 1, 2016 to July 1, 2017. If the applicant does not fulfill the approvals granted, they will need to come back and seek an additional extension.

**Board Comment: None**

**Public Comment: None**

Motion to Approve: ZB 98-17 EX

Motion: Rodgers

Second: Alperin

Ayes: Alperin, Hoffman, Hughes, Laspe, Rodgers, Wessner, Parikh

**3. William Rapp. ZB 15-15A.**

*27 Knightswood Drive, Block 29.04, Lot 23 (MD Zone District)*

*Applicant received a bulk variance on 8-17-15 to construct a garage with a 7'11" side yard setback and impervious coverage of 66.9%. Applicant proposes to expand garage length with a 7'11" side yard setback and impervious coverage to be at 71.5%.*

Witnesses for Applicant Sworn in:

- Mr. William Rapp, Homeowner

Mr. William Rapp Testimony:

- Wants to change site plan from what was originally approved.
- Is seeking an additional variance on impervious coverage.
- Applicant came for approvals in August 2015 to build a second garage on site and for a side yard setback. Since getting approval in August 2015, Applicant has not yet built the garage, front porch or the concrete walk way.
- The garage addition will not encroach further on the side yard setback. It will be longer, but not wider.
  - This will make garage more aesthetically pleasing, and give the applicant more room. Garage will be towards the back of the property.
- New garage will be 4' 11" from the side yard boundary (the concrete sidewalk).
- Applicant has had no drainage issues to date. No complaints from neighbors about standing water.
- New garage will give space to park cars, keep them off the streets and give additional storage to homeowner.

**Board Comment:**

- Mr. Hoffman is concerned about the optics of the application. It says that it sets a bad precedent for a homeowner to keep coming back to ask for more of the Zoning Board. Applicant says they were originally in no hurry to complete the project, as they had no contractor. Applicant saw neighbor build a garage that he thought looked nice, and modeled his new application after that.

**Public Comment: None**

Mr. Wieliczko Summary:

- Applicant is seeking an amendment to a prior approval on August 17, 2015, and a resolution adoption on September 21, 2015.
- Applicant is seeking to build a garage and a front porch on property.
- Applicant wishes to increase the depth of the garage, and thus increase the impervious coverage from 66.9% to 71.5%.
- Applicant has stated reasons why he is seeking additional approvals to the originally proposed project.

Motion to Approve ZB 15-15A.

Motion: Rodgers

Second: Laspe

Ayes: Alperin, Hoffman, Hughes, Laspe, Rodgers, Wessner, Parikh

**4. Ambrosia Real Estate of NJ, LLC. ZB 16-05. Use Variance.**

*285 Old Marlton Pike, Block 17, Lot 3.01 (LD Zone District).*

*Applicant proposes to construct a 32 bed residential treatment facility which will be an expansion of an existing 44 bed facility on the adjacent lot in Medford Twp.*

*Patrick McAndrew, Attorney for Applicant.*

Witnesses Sworn in:

- Joe Morrison, Ambrosia Real Estate, Project Manager
- Nathan Mosley, Traffic Engineer
- Michael Avila, Engineer

Exhibits:

A1: Use Variance Plan dated 4-8-16.

A2: Area view map (Rt. 70, Site Plan)

A3: Evesham Township Zoning Map with site highlighted in red.

A4: Colored rendering of site/driveway extension in Medford. Dated June 20, 2016.

A5: Ambrosia treatment center expansion. Dated 4-16-16.

Attorney Overview:

- Facility already exists in Medford Township, but applicant wants to expand in Evesham where the Zone use is not permitted.
- 10% of project will be on Wetlands.
- No traffic flow into Evesham Township, entrance is in Medford only.

Joe Morrison Testimony:

- Ambrosia mission is to treat those with substance abuse. Those at the facility stay 30 days regardless of payment. Want to add an additional 32 bed facility behind existing property.
- There is a need to add an additional 32 beds; many of Ambrosia's facilities are already full. Adding space for individuals will assist them in obtaining the treatment they need.
- Residential facility for drug and alcohol abuse. Facility is strictly voluntary program. Detox is completed prior to arrival at facility. There is a 24 hour psych and medical physicians for them during stay. They must stay a minimum of 30 days, but are allowed to stay longer.
  - No cars are allowed on the facility. People are kept under watch.
  - Only vehicles on site are 3 vehicles to transport residents to various appointments via a bus. Other vehicles are used for the staff.
- Ambrosia facility is all voluntary. It is paid through private insurance or self-paid. There is no issues with police.
- 24 hour staffing is on site.
  - Doors are locked with a Key Fob.
  - Behavioral rounds are conducted every 15 minutes.
  - Licensed nurses on staff. Doctors visit about once per week.
  - Days are structured.
- First Sunday of every month is used for Family visits.

- Project will be conducted in two phases. Applicant is doing so due to approvals with the State Department of Drug/Alcohol Licensing, which will determine if Ambrosia needs a second dining facility or not.
  - Phase 1: Create 32 bed facility.
  - Phase 2: Dining Facility.
- Mr. Alperin asks about what is on site at the facility in Medford. Applicant responds. Mr. Alperin asks about the treatment. Mr. Morrison responds that therapy occurs in both individual and group settings. Therapy involves a mix of 12 step program, faith-based, etc. It depends on the individual. The percentage of success of their facility is about 48%, which is fairly high for the field.

Nathan Mosley Testimony:

- Gives qualifications as a traffic engineer, is accepted by the Board.
- Discusses the results from the Trip Generation Analysis that was conducted.
  - Existing facility has two driveways.
  - Current use: 20 trips in the am (16 in, 4 out)/16 trips in the pm (8 in, 8 out).
  - Proposed use: Generates 15 additional trips in the am, totaling 35 trips. Generates 12 additional trips in the pm, totaling 28 trips. These trips will be predominately employees who work at the facility.
- There is no substantial impact on additional trips from the proposed site. This would create no significant impact on traffic.

Michael Avila, Testimony:

- Gives qualifications as a planner and engineer. Accepted by Board as an expert.
- States that the developable area in Evesham is about 2.5 acres due to the wetlands.
- Gives background of site, as it is the last undeveloped parcel in Evesham/Medford border.
- Mr. Avila describes the water and sewer. Mr. McAndrew agrees as a condition of approval to allow the extension of the Evesham facility to serve both Medford/Evesham sites. Previous agreement does exist.
- Applicant is seeking use variance to allow for treatment facility to be used in the LD Zone.
- States positive criteria for application which is as follows:
  - Promotes the public good and general welfare of people.
  - Promotes public health, safety, and general welfare of people. The site is also adjacent to an existing facility.
  - Secluded setting of site will promote a family atmosphere. Any other use of the property would not be viable, due to the existing facility already in place.
  - Site provides sufficient space, and meets needs of all citizens.
  - Building is aesthetically pleasing.
- States negative criteria for application which is as follows:
  - No substantial negative impacts on public good.
  - Does not change the character of the neighborhood, and has no impact. Facility is located further back from main roads, and surrounding areas are not residential.

- There is no proximity to residential homes that would create a negative impact on their wellbeing.
- States that there is no noise or light issues that will come from the site.

*Applicant ends formal testimony.*

### **Zoning Board Professional Testimony:**

#### Leah Furey, Planner:

- Letter dated June 1, 2016
- Original site was approved in 2006 for single family homes that were never built due to the Wetlands site that is why the zone is designated for LD (single family residential).
- Believes that the applicant has satisfied the negative criteria.
- The site existing in Medford is attractive, and applicant will have to come back for a site plan approval.
- Applicant has met the burden of proof for the variance.
- Asks applicant to confirm that they will go back to Medford for a site plan amendment.
  - Mr. McAndrew says he will provide a copy. The plans for the site plans will be filed in both Evesham and Medford at the same time.
- Asks about the 45 parking spots that will be used for the visitors on site. Mr. McAndrew says the number will be changed once site plans are filed.

#### Rakesh Dariji, Environmental/Traffic Engineer:

- Letter dated June 10, 2016
- Asks that in the site plan, applicant consider comments regarding site circulation improvements in regards to walkways and driveways.
- Testimony was provided in regards to trip generation, and received a memo regarding such on June 16<sup>th</sup>.
- Will reserve additional comments when the applicant returns for site plan approval.
- Applicant will need to provide an LOI from the NJDEP for current application. Applicant will provide such as a condition of approval.
- Notes that applicant will need to undergo Phase 1 testing for site plan approval.

#### Chris Rehmann, Engineer:

- Notes there is a septic area, cites exhibit A1. Septic area is abandoned and no longer in use.
- Discusses a pump chamber, with a connection to the EMUA. Asks applicant to look into this.
- Discusses the location of water/sewer. Applicant will provide as a condition of approval a copy of the agreement between Evesham-Medford-Ambrosia (which was approved in 2009).

*Zoning Board ends formal testimony.*

**Board Comment:**

- Mrs. Hughes asks if there will be any changes on the Phase 1 plan if Phase 2 is not built. Ryan Regina, Sky Construction, states that there will be no changes to building. If there is no need for the dining hall, then all the needs are met. No actual changes to building.
- Mr. Alperin asks that if there is emergency access if the road was blocked. Mr. Wieliczko explains that this will be reviewed when applicant returns for site plan approval.

**Mr. Wieliczko Summary:**

- Applicant is seeking a use variance only. Current proposal is not permitted by the LD Zone. Zoning Board must need 5/7 affirmative votes to approve use variance.
- Applicant is seeking to build a 32 bed treatment facility which is an expansion from an existing facility located in Medford Township.
- The board has heard testimony from the applicant and zoning board professionals.
- Zoning Board must determine that the use is inherently beneficial and meets all positive and negative criteria. Board has heard testimony in regards to both. The applicant does not need to explain the positive criteria, but they did any.
- As conditions of approval, applicant agrees to the following:
  - o Site plan approval will be submitted.
  - o Will obtain access of easement to Evesham Site, and obtain approval from Medford Township.
  - o Applicant will provide a copy of the site plan application that is filed in Medford Township.
  - o Applicant will work with board professionals in regards to driveway and internal sidewalks.
  - o Applicant will provide the 2016 NJDEP LOI application as part of plans.
  - o Must submit documents for the Environmental Impact Statement.
  - o Applicant will provide the agreement between Medford-Evesham-Ambrosia which was established in 2009.
  - o Applicant will obtain approval from the Fire Marshal.

Motion to Approve ZB 16-5:

Motion: Rodgers

Second: Alperin

Ayes: Alperin, Hoffman, Hughes, Laspe, Rodgers, Wessner, Parikh

**Resolutions:****ZB 13-19A:**

Motion: Rodgers

Second: Hughes

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

**ZB 16-09:**

Motion: Hughes

Second: Hoffman

Ayes: Hoffman, Alperin, Hughes, Rodgers, Parikh

ZB 16-10:

Motion: Hoffman

Second: Rodgers

Ayes: Hoffman, Alperin, Hughes, Rodgers, Parikh

**Communications/Organization:**

Next Meeting: July 18<sup>th</sup>, 2016 (Re-Organization)

**Meeting ends at 8:41pm.**