

TOWNSHIP OF EVESHAM

Zoning Board

Minutes

19 September 2016

7:00 pm

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:06 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, Amato, Wessner

Also Present: Wieliczko, Furey, Rehmann, Darji, Bittner

Absent: Kinney, Hughes, Lutner

Minutes: July 18th, 2016

Motion: Rodgers

Second: Alperin

Ayes: Parikh, Hoffman, Rodgers, Lowden, Alperin, Amato, Wessner

Unfinished/New Business:

1. Tim and Kerry Ori. ZB 16-15

15 Riding Run Drive, Block 15.01, Lot 24 (MDR Zone District)

Applicant is proposing to construct a 720 sq. ft. inground pool, rear yard setback of 8' where 15' is required.

Witnesses for Applicant:

Tim and Kerry Ori, Homeowners

Glen Walker, Pool Company Representative

Exhibits Provided:

A1: Pictures of back of the property provided by the Applicant.

A2: Email dated 9-4-16 from Matt Gruber (Vice President of the Knightsbridge Estates HOA) that gives applicant permission to utilize the easement.

Tim and Kerry Ori Testimony:

- Mr. Wieliczko informs them of the process and what they need to do, and how the process works. For example, applicant must state what they are seeking, why it is appropriate, and to address all statements to Mr. Rehmann.

- Applicant is looking to build a 650 sq. ft. pool location is important due to the narrow lot size. There are no adjacent properties nearby there is a dry basin behind the property.
 - Location of the pool is based on the applicant's desire to have it located 10 ft. away from the patio. Concerned about their child's safety.
- Drainage of the site would incur only in the back of the property, into the storm water basin.
- Mr. Rehmann talks about the storm water/basin. Asks applicant to clarify. Applicant does so.
- Mr. Parikh asks clarification in regards to size of the pool, as applicant said it would be between 650 and 750 sq. ft. Mr. Wieliczko states that the pool company will talk.

Glen Walker Testimony:

- Looked at the proposed pool and the various engineering and grading plan associated.
- Clarifies the size of the pool. States that the free form can go between 700 to 750 sq. ft. However, the set-back will remain the same regardless of the size.
- Mr. Wieliczko asks about the pool equipment and size, as it is not detailed in the plan.
 - Pool equipment will be located on a 3' by 6' pad (2 double pads at 3' by 3')
 - Mr. Rehmann asks how far from the deck will the pool equipment will be located. Mr. Walker says they will be located 2-3 ft. off the edge of the deck.
- Mr. Rehmann asks about lighting around the pool. Applicant responds that there will be two lights in the pool and face to the back of the house to avoid issues with surrounding properties.
- Mr. Rehmann asks about shed on property. Applicant will remove everything except the shed, as it is just a simple garden box.
- Mr. Rehmann asks about restricting access to property so that it will not damage neighboring properties. Applicant states that they will access property through easement owned by HOA. HOA has granted approval to the applicant to utilize this easement.
 - Mr. Rehmann states that the pool company will need to fix, reseed and dispose of all materials used. Homeowners say they will take on that liability.

Public- None

Board- None

Mr. Wieliczko Summary:

- Applicant is seeking a bulk variance of an 8' setback where 15' is required.
- Applicant has provided testimony as to why they are seeking this bulk variance.
- Applicant has stated that the pool will not impact drainage, nor will it damage the properties on the side.
- Pool size will be no greater than 750 sq. ft.
- Conditions of Approval:
 - Run-of will not increase on Lot 45.
 - Applicant will show the dimensions of the pool equipment pad side and the size of the pad.
 - Any new lighting must be shielded from neighboring properties.
 - Grading between pool and Lot 45 should be slopped towards drainage easement.

- Applicant will abide by all HOA restrictions.
- Pool backwash will not disturb any additional properties.
- Any sidewalk or curb broken during construction will be replaced.
- Applicant will comply with Ch. 104, re: Noise Ordinance.
- Any damage will be fixed by the applicant.

Motion to Approve:

Motion: Alperin

Second: Wessner

Ayes: Parikh, Hoffman, Rodgers, Lowden, Alperin, Amato, Wessner

2. Timber Ridge @ Evesham LLC. ZB 11-02A. Amend Prior Approval-Ravenswood-Basins.

Keegan Court, Block 15.08, Lot 3.50 (MDR Zone District)

Applicant proposes to convert the existing infiltration storm water management basin to a wet storm water management basin with two aerating fountains.

Timothy Prime, Attorney for Applicant

Witnesses for Applicant:

- Richard Clemson, Senior Engineer

Mr. Clemson Testimony:

- Gives background of qualifications, accepted by board as expert witness.
- Firm is new to the project, not the original engineering firm that designed the basins.
- Discusses storm water management plan.
 - Previous design was a combined infiltration and detention basin. The facility was designed based on State standards. The original engineer designed the basin based on soil samples taken. The zoning officer for the township asked for further soil testing to be done. The samples taken at that time, appeared to work with the proposed system. Multiple tests were done to ensure the system would work.
 - After construction began, the basin failed to infiltrate the water quality design. Water in the basin as it was not draining properly. Developer has since tried to fix the basin, but had no luck.
- Proposed solution is to convert the basin into a wet pond. The wet pond is common in Evesham Township. The applicant has worked with the Zoning Board engineer, and both came to the agreement that this solution is best for the community. The wet pond will contain 2 aerating fountains that will promote water quality and aesthetics.
- The wet pond will exceed water quality and provide the same level of service. No further controls from basin and no conditions will change.
- Applicant agrees to comments contained in Mr. Darji's letter.
- Applicant has already placed performance bond, will bond more funds if the cost requires it.
- Applicant states that maintenance costs are not of particular concern. It is not why they are before the board tonight.

Applicant ends formal testimony.

Board Professional Testimony:

Leah Furey Bruder, Planner:

- No letter as this project is more based in engineering.

Rakesh Dariji, Environmental Engineer

- Letter dated September 12th, 2016
- States that what the applicant has proposed is the only real solution to the problem in regards to drainage.
- Discusses testing of soils. States that this is a common problem. It is not frequent, but it does occur.
- Discusses the functionality of the water basin and the control structures during storm.
- States that additional calculations of the cost are a housekeeping issue and can be resolved in the future.
- Mr. Wieliczko asks Mr. Dariji about the cost and maintenance for prospective. Mr. Dariji states that it is not the difference in cost that is of concern, it is more to make sure the basin will be maintained.
 - Applicant states that the HOA will be responsible for maintenance. The applicant has provisions to address these concerns. The proposed plan and it's maintenance complies with all laws.

Public Comment:

Paul Leodoni, Esq. Ravenswood HOA Rep

- Asks that the Zoning Board reject the application as there is no standing. States that after 75% of the homes are sold, the project remains with the HOA and not the applicant.
- States that the HOA wants an independent engineer to look at project to see the proposal.
- Unsure if the proposal will work as presented. States that until calculations are presented the project requires a lot more analysis.
- Mr. Wieliczko discusses the condition of approval regarding providing more information about calculations and data provisions. Mr. Leodoni states that it is more like a comment and not a definitive. Mr. Wieliczko states for the record the condition of approval that the applicant agreed too. Discussion ensues.
- Mr. Leodoni states that all engineers should work together to resolve the project. Mr. Leodoni discusses the water flow to the pond. Mr. Dariji responds. Discussion ensues.
- States that applicant does not have legal standing before the application. Asks board to adjourn application and let the engineers work through this.
- Mr. Wieliczko asks Mr. Leodoni if he reached out to Mr. Prime prior to tonight. Mr. Leodoni states that he has not did not think it would be a full hearing. Discussion ensues.

Mr. Prime:

- States that the HOA needs to consist of members.
- Open Space of the property is owned by the developer at this time. They are bonded with Evesham Township. The HOA is not involved at this point in time.

- The application is to amend the prior approval so the developer can fix the basin, as it is an engineering issue.
- The site is still owned by the developer and has not been deeded to the HOA.

Paul Leodoni:

- Discusses Title 46 and ownership of property with 75% of homes being sold. Thus, applicant does not own property. Mr. Prime disagrees. Discussion ensues.
- Mr. Alperin asks about the responsibility of the Zoning board regarding standing. Mr. Wieliczko says he will answer shortly.
- Mr. Hoffman asks Mr. Leodoni that if there was a mistake, why has there not been any dialogue with the applicant previously. Mr. Leodoni states that the developer is attempting to short change the HOA due to the bond issue. The lack of calculation of actual cost is unacceptable. Mr. Hoffman asks why Mr. Leodoni did not consider bringing their engineer to the meeting. Mr. Leodoni states that it's about the calculations, states Mr. Darji's letter is unacceptable and incomplete.
- Mr. Hoffman asks Mr. Darji if he needs to provide any more information. Mr. Darji says no, he has been working with the applicant engineer, and is confident the basin will work; the calculations are only a housekeeping issue. The DEP standards have been met. Mr. Darji would not agree with the proposal if he was not confident with the result.

Kevin Wegner, 17 Keegan Court:

- Concern if the basin will actually work.
- Is upset that the community will not get any input. Would like to see engineers to push and work together.

Katie Pennell, 10 Lani Lane:

- Thanks the Board for listening.
- Is sad about the deplorable condition of this basin.
- Asks that the homeowners have a voice and should be able to provide input.

Beth Dell, 33 Keegan Court:

- Asks for clarification/confused about the accountability regarding the developer and financial accountability. Says that when she moved in, there would be a pond.
- Asks if Township is holding the developer accountability for making the basin work and last.

Mr. Wieliczko Statements:

- Responds to Ms. Dell's questions. Discusses the performance bond and maintenance bond process that the developer must submit.
- No opinion on if the developer will perform the work to the satisfaction of the HOA.
- Mr. Darji discusses performance and maintenance bonds. They must fulfill the requirements before being released.
- Mr. Wieliczko answers Mr. Alperin's question. States that the application was submitted and deemed complete. While he cannot give an opinion, he states that Mr. Prime has standing to be heard and the application is complete when submitted.

- Mr. Alperin asks if the applicant should reassure the homeowners. Mr. Prime states that the applicant, Nancy Jamanow from Community Development and Mr. Darji has met with the HOA. Mr. Prime states that the developer needs to build basin in accordance with the municipal land use law. The goal of the developer is to resolve and correct the situation.
- Mr. Wieliczko states that the applicant has taken steps to ensure the application is complete. Mr. Alperin asks if the board should reject. Mr. Wieliczko states that the board makes the determination if they deem the application appropriate. Discussion ensues.
- Mr. Wieliczko asks Mr. Prime about Maintenance Bond. Mr. Prime states that the basin will be conveyed to the HOA who will eventually establish funds to take over the basin. Mr. Wieliczko states that the Zoning Board will not be involved in the allocation of cost. Mr. Prime agrees. Mr. Prime states that the HOA/developer will agree to the maintenance of the cost. The amended plan does not allocate cost. Discussion ensues.
- As part of the release of the maintenance bond from the developer, the HOA will have input as to whether or not the basin is acceptable.

Paul Leodoni:

- States that the board should deny application because nobody knows that the basin will work. Want to make sure the project is right. Discusses Mr. Darji's testimony.
- States that the board should adjourn the application. Thanks the board for their time.

Mr. Alperin asks what would happen if application is denied. Mr. Wieliczko states that if the application is denied, they would have a difficult time coming back with a similar proposal. If there was a substantial change to the design, applicant could come back.

Jeremy Gussick, 17 Keegan Court:

- Asks for clarification if whether or not the agreement between the developer and HOA with ongoing maintenance costs. Mr. Prime states that the HOA will be responsible for the pond, and the DCA will approve everything prior to anything before the HOA takes over. Mr. Parikh defines process regarding performance and maintenance bonds.
- Mr. Leodoni states that the previous dialogue has no legal basis, and has no foundation. Mr. Wieliczko states that he is discussing maintenance issue as Mr. Gussick had asked a question regarding such.
- Mr. Leodoni states that it has taken two years to fix basin and they are left with one option. Says that Mr. Wieliczko has stated that if they reject the application that nobody will fix the basin. Mr. Wieliczko says that is not true, the applicant would have a difficult time presenting a similar application again if it were to be rejected tonight. Mr. Prime explains Municipal Land Use Law and how it is the developer's responsibility to fix the basin. The HOA will not take over until the bond is released by the Township.

Board Comment:

- Mr. Parikh states that the application presented tonight is complete.
- Ms. Furey Bruder states that this type of remedy is not unique. Notes that recently the Planning Board approved a conversion plan for Sharp Road Estates. That plan was more significant than this one. States that if redesign fails, the applicant must come back again.

- Mr. Wieliczko states that if the basin does fail, then the association's engineer can look and make suggestions and come back to the Zoning Board.

Mr. Wieliczko Summary:

- Applicant is seeking an amended prior approval. Original approval was granted October 17th, 2011. Preliminary/Final Approval was granted April 16, 2012
- Applicant will convert storm water basin from infiltration basin to storm water basin.
- Arguments have been heard from both sides regarding ownership of the basin Zoning Board has determined that the application submitted by the applicant is complete, and the applicant does not wish to withdraw it from consideration.
- If the Zoning Board denies the application, a substantial change in its design will need to occur for it to come back to the board.

Mr. Hoffman states that the builder has the rightful authority. Since the Zoning Board engineer is satisfied, he supports this application.

Motion to Approve ZB 11-02A

Motion: Hoffman

Second: Wessner

Ayes: Parikh, Hoffman, Rodgers, Lowden, Alperin, Amato, Wessner

Meeting paused at 8:53pm for brief recess. Resumed again at 9:02pm.

3. Cedar Properties, LLC. ZB 15-23. Conditional Use Variance/Prel/Final Major Site Plan
930 Route 70 West, Block 4, Lots 2.01, 2.02, 3.03 (C-1/EVCO Zone District)
Applicant proposes to construct a 9,250 sq. ft. retail/shopping center building that will contain a 2,800 sq. ft. restaurant, 4,270 sq. ft. of retail space and a 2,180 sq. ft. Starbucks with drive-through.
Damien O. DelDuca, Attorney for Applicant

Witnesses for Applicant:

- Edmund Speitel, Engineer
- Adam Catherine, Traffic Engineer
- Joshua Ekard, Architect

Exhibits for Applicant:

A1: Aerial photograph taken from Google Maps.

A2: Colored rendering of the site plan.

A3: Colored rendering of the building, photographs of other nearby properties that the applicant has worked on. Shows the proposed design of the facility as well as project examples.

A4: Samples of brick and materials that will be used.

Damien DelDuca, Overview:

- Property is located at the Former Sunoco Station, Papa Johns, and a computer store. All properties are no longer in business. The property is located between Rt. 70 and Old Marlton Pike.
- Applicant is proposed to redevelop the site into 1 lot (currently exists as 3 lots).
 - Property will have 7 access points (will eliminate 3 from previous site)
 - Site will contain one building with a Starbucks at the end.
- Applicant is seeking Major/Final site-plan approval.
- Site is located at a C-1 Zoning Overlay.
 - Starbucks is a conditional use, applicant needs a DE-3 variance.
 - Applicant does not meet all of the standards for the variance, which is why they are before the board.
 - For a DE-3 Variance, a site needs to be a minimum of 2.5 acres and 2000 sq. ft. Application is on a 1.48 acre site with 9250 sq. ft. proposed.
 - Applicant is also requesting 2 menu boards where 1 is permitted.
 - Applicant states that a 6 ft. fence is required if a property is adjacent to residential properties. States that across from the property is multi-family homes, it would not be beneficial to construct this opaque fence.
- Application meets all other conditions.
- The conditional use variance they are requesting is less onerous than a D1 variance.
- Applicant has resolved almost all concerns, and have no issues with board professional letters. However, they will work with the board planner to work out lighting fixtures at the site and come up with an alternative to the promenade lighting that is required.

Edmund Speitel Testimony:

- Gives qualifications to the board, is accepted as a witness.
- Describes location of site in regards to traffic flow on both Rt. 70 and Old Marlton Pike. Shows the location of the access points. States that the proposed access points are still subject to approval by the County.
- Starbucks will be located on the East side of the property, and will contain an outdoor seating area.
- The Starbucks will also contain a drive-thru. Describes various details in regards to this drive-thru.
 - The drive-thru width will be 12 ft., where 18 ft. is required. States the smaller width will allow for additional landscaping, and is more feasible to the site due to the shape of the lot.
 - Drive-thru will accommodate a 13 car stacking lane.
 - Describes landscaping plan in relation to the drive-thru. Discusses various aspects of the topography and states that evergreen trees will be planted.
- The proposed Starbucks will operate similar to others in the area.
 - Hours of operation will be from 5:30 am to 10:30pm.
 - Deliveries will occur after 6:30pm.
 - 25 employees will be hired approximately 5-6 will be working every shift.
 - Typical stacking for drive-thru is 8 vehicles. Site is accommodating for 13 vehicles.
 - Typical time in drive-thru is approximately 4.5 minutes.
 - Trash pick-up will be about 2-3 times per week.

- Box truck deliveries will be used for site. Shows loading docks on the plan.
- Applicant is not sure about tractors from the other tenants. However, due to size it is most likely the other tenants of the complex will also use box trucks. There are no other tenants as of yet.
- Discusses Conditional Use Variance. States that it is appropriate for the application as the lot size is sufficient for the area. Furthermore, there is no additional land available to conform to criteria. States that the incorporating two menu boards is a standard in the industry today.
- Discusses the general area. The site will be an attractive asset for the town. The Sunoco station has been cleaned up and ready for redevelopment.
- States that there are no adverse impacts on residents or other tenants.
- Discusses lot size and depth. States why applicant cannot comply too standards.
- Ordinance requires a 50 ft. setback; applicant is proposing a 10ft setback on site. This is to accommodate additional parking. As the site is small, the applicant needs as much land as possible to make parking work. Additionally, they believe a 10 ft setback is feasible.
- Impervious Coverage: Applicant originally proposed 69.6%, but now is requesting 70.8% due to County changes. Before remediation, the site had over 90% in impervious coverage. Applicant states they are adding less impervious coverage from the original site.
- Applicant discusses parking. They are proposing 66 parking spaces, where 74 are to be provided. Applicant states that this would be sufficient parking. Starbucks hours are peak in the am, where other tenants will peak in pm. If they implemented more parking, it would increase the amount of impervious coverage.
- Discusses signage and location of the signs proposed.
 - Four “Way Finding Signs” will be used to locate the Starbucks. This is critical to Starbucks’ operations.
 - Thank you sign will also be located at the end of the drive aisle.
- Applicant states that they may need a waiver for loading. However, not sure if they would need more than one loading dock.
- Applicant asks that striping would be located near drive-thru lane so employees can access dumpsters.
- No façade signs for other tenants, they will either comply with approval or will need to come back to the Zoning Board.
- No detriment to the neighbors, site is a substantial improvement from what is located there now.

Joshua Ekard, Testimony:

- Gives qualifications, is accepted by the board as a witness.
- Compares this current site to the one at Evesham Plaza.
- The architecture will meet the overlay district requirements. Site will bring in numerous tenants.
- Shows and discusses the building materials that will be consistent with the site.
- Applicant will incorporate overlay district standards into the design.
- States that no roof top equipment will be visible from the street.

Adam Catherine, Testimony:

- Gives qualifications, is accepted by the board as a witness.
- Compared traffic trip generation from this site to previous site.
 - AM Peak hours: 66 additional trips
 - Saturday Peak hours: 54 additional trips
 - PM Peak hours: No additional trips.
 - Many of Starbucks trips will be “pass-by” trips.
- Parking Counts:
 - Went to another shopping center and looked at the demand during peak hours. The site which was 16000 sq. ft. only contained 53 parking spaces. Applied this information to this site.
- Drive-Thru Stacking:
 - Tenant does not expect any more than 8 stacking spaces. Applicant has accommodated 13 just in case. This will ensure safe and adequate circulation of the site.
- Drive aisle with will be 24ft. Applicant believes this is adequate. Ordinance requires 25 ft.

Applicant ends formal testimony.

Board Professional Testimony:

Leah Furey Bruder, Planner:

- Letter dated August 1, 2016
- Discusses the background of the site regarding the Crossroads Overlay District and the Redevelopment of the site.
- Discusses variances that applicant has requested. States that the site is small and has roads on both sides, so they cannot increase the size of the site. Looks favorably upon application.
- Discusses conditional use variances, acceptable due to size of lot, and location of the site. States that the street separates the site from the residential area, so no fencing buffer is needed.
- Will work with applicant regarding lighting proposal. States that she would like to see unifying lights throughout the lots. Would like to see light, but is okay to work this out with applicant.
- Discusses signage. States that applicant is asking for more directional signs. Given the drive-thru on the site, this would be acceptable.
- Mr. Parikh asks about cross-walk requested at the back of the site so employees could access trash receptacles. Discussion ensues regarding who would use the cross-walk and lighting. Mr. Wieliczko states that as a condition of approval, the applicant will work with the Traffic Engineer regarding the cross-walk and trash enclosures. Applicant agrees.

Chris Rehmann, Engineer:

- Letter dated September 13, 2016

- Discusses storm water system with Mr. Speitel. Will work out the technical details of the storm water system and its improvement.

Rakesh Dariji, Environmental Engineer:

- Letter dated September 14, 2016
- Applicant is on track with the site, it has been in remediation for over 20 years. Applicant has agreed to perform an ongoing monitoring on the site. Applicant has engaged with the LSRP and is on track.

Stacey Arcari, Traffic Engineer:

- Letter dated September 1, 2016
- Discusses Mr. Catherine's parking assessment of similar site.
- Suggests that the applicant should keep in mind finding additional tenants that would balance out the Starbucks site to avoid parking issues.
- No issues with the drive aisle width or the drive-thru width.
- Has asked applicant for no idling signage; applicant complies.
- New layout of site has accommodated a larger queue, is okay with the 13 car stacking lane.
- Mr. Parikh asks about the site triangles. Ms. Arcari and applicant clarify. State that it is under the jurisdiction of the DOT.
 - Entrance from Old Marlton Pike: Right in, Right out, Left in.
 - Entrance from Rt. 70: Right in, Right out.
- Mr. DelDuca states they will work with Ms. Arcari in regards to on-site signage.
- Discusses crosswalk on Old Marlton Pike.

Public Comment: None

Board Comment: None

Mr. Wieliczko Summary:

- Applicant is seeking a Conditional Use Variance tonight. The board must grant five affirmative votes for variance to be requested. The board has heard the burden of proof and why the applicant is requesting this variance.
- Applicant is seeking a Bulk variance, which requires 4 affirmative votes.
- Applicant has agreed to all conditions of approvals stated in the board professional review letters.
 - Will work with Ms. Furey on promenade light plan within the next 30 days.,
 - Will work with Ms. Arcari to come up with an acceptable solution to the cross-walk to access trash enclosures.
 - Will work with us. Arcari regarding on site signage and Old Marlton Pike drive aisles.
- Applicant will allow Township to contact County regarding cross-walks on Old Marlton Pike.
- Applicant agrees to all outside approvals from the State and County.

Motion to Approve ZB 15-23

Motion: Hoffman

Second: Alperin

Ayes: Parikh, Hoffman, Rodgers, Lowden, Alperin, Amato, Wessner

Mr. Alperin has recused himself from the next application. Mr. Darji has also left as well.

4. Paramount Square at Marlton, LLC. ZB 12-03A2. Amend Prior Prel/Final Major Site Plan with Bulk Variances.

300 S. Route 73, Block 4.01, Lot 12.01 (C-1/EVCO Zone District).

Applicant proposes to construct additional parking spaces and modify existing storm water basin and construct a retaining wall.

Richard Goldstein, Attorney for Applicant.

Witnesses for Applicant:

- Maurice Zekaria, Paramount Reality
- Brian Conlon, Project Engineer

Richard Goldstein Overview:

- Discusses Site: Marlton Square Shopping Center. Lot 12.01 and abutting Lot 10.08 operate as a single unified shopping center. A large 9,768 acre lot operates as the Trader Joe's. The property is located in a C1 Commercial District.
- The Department of Community Development came to applicant regarding parking concerns of site during peak hours.
- Engineer has stated that the parking is an indication of a successful shopping center, but there are too few spots.
- Applicant is hoping to address and improve parking on the site.
 - Requesting 45 additional spots to be located at the rear of Lot 19.08
 - Currently Lot 12.01 has 360 parking spaces and Lot 19.08 has 35 parking spaces. This brings total parking to 395 available spaces.
 - Applicant is now proposing 440 spaces. 395 parking spaces are required. The applicant has proposed a surplus of 36 parking spaces.
- Applicant is seeking 2 variances:
 - Max Impervious Coverage. Currently site is at 71.1%, where 70% is required. Applicant is proposing an additional 1.8% of impervious coverage, bringing the total to 72.9% of the space.
 - Seeking relief of a 28.2 ft. of buffer adjacent to the residential property.

Maurice Zekaria, Testimony:

- Managing member at Marlton LLC, who owns the property.
- Discusses the history of the property and why they are proposing more parking. States that site has always had a parking concern.
- The 45 proposed spaces will be for employee parking. The businesses will have written in their lease or lease renewal that the employees are required to park in the rear of the lot.

- Discusses trash enclosures at the shopping center, in particular concerns with Starbucks. Applicant will impose that all tenants use trash enclosures close to their respective entrance.
- Spoke to Mitchell Davis of neighboring property currently undergoing construction. The construction entrance will be relocated, or the applicant will use Maple Avenue.

Brian Conlon, Testimony:

- Provides qualifications, is accepted by the board as an expert.
- Shows board where the parking spaces are located. The parking spaces will not change the curb lining.
- The parking spaces will be over the existing storm water basin, the applicant will also increase the size of the basin as well.
- Discusses the variances they are seeking.
- Applicant will work with Ms. Arcari regarding additional striping and signage.
- Applicant will work with Ms. Furey regarding trash enclosures. Will replace two enclosures, upgrade the remaining enclosures and include closing doors.
- Discusses proposed landscaping.
- No lighting will be proposed as part of application.
- Discusses proposed fencing along the basin. Applicant will replace the 6 ft. fence that currently exists with a 4 ft. high picket/open fence.
- Applicant has also worked with Mr. Rehmann regarding storm water management.

Applicant ends formal testimony.

Board Professional Testimony:

Leah Furey Bruder, Planner:

- Letter dated August 31, 2016
- Applicant has addressed all items in review letter.
- Work with applicant regarding the landscaping plan and trash enclosures.

Chris Rehmann, Engineer:

- Letter dated September 8, 2016
- Discusses storm water management plan.
- Concerned with the possibility of a large storm that can impact Main Street and current stores. Ask applicant to increase the basin's capacity to store runoff.

Stacey Arcari, Traffic Engineer:

- Letter dated September 15, 2016
- Applicant to refresh striping on the site.
- Asks applicant to show in place where the warning signs will be.
- All comments have been addressed.

Public Comment: None

Board Comment: None

Mr. Wieliczko Summary:

- Applicant is seeking an amended prior and final approval.
- Applicant will construct additional parking and retaining wall.
- Applicant is seeking two variances regarding impervious coverage and buffer relief.
- Previous buffer variance has been granted to applicant.
- Applicant has agreed to the professional comments as conditions of approval. Applicant will provide a storm water management plan and water quality studies for Mr. Rehmann.

Motion to Approve ZB 12-03A2.

Motion: Rodgers

Second: Lowden

Ayes: Parikh, Hoffman, Rodgers, Lowden, Amato, Wessner

Public Comment: None

Board Comment: None

Communications/Organization:

Next Meeting: October 17, 2016

Resolutions: None

Meeting Adjourned at 11:02 pm.