

TOWNSHIP OF EVESHAM

Zoning Board

Minutes

17 October 2016

7:00 pm

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:09 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, Wessner, Lutner

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

Absent: Arcari

Minutes: September 19th, 2016

Motion: Rodgers

Second: Wessner

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

Unfinished/New Business:

1. Elizabeth Freeman. ZB 16-13.

131 Greenbrook Dr., Block 11.01, Lot 142 (MD Zone District)

Applicant proposes to build a 16' x 18' addition with a rear yard setback of 21' where 25' is required.

Witnesses:

Elizabeth Freeman, Homeowner

Ryan Miller, Contractor

Testimony:

Mr. Wieliczko provides overview of procedures for applicant.

Ms. Freeman discusses project, wants to build a sunroom in back of property that will replace the current deck. Proposed sunroom will maintain the integrity of the architecture of the house. Proposed sunroom might be smaller than what is being proposed. However, if it is larger, she will come back again for plan.

Mr. Wieliczko states that the applicant is seeking a maximum rear yard setback of 21' where 25' feet is required.

Applicant provides survey of the property provided by Walter McNamera Associates. Shows on property where the 18' x 16' addition will go along with the existing sheds. Applicant notes that the shed complies with all necessary regulations. Property is irregularly shaped, which is why the applicant is asking relief.

Applicant agrees as a condition of approval to provide a diagram of the room.

Ms. Furey Bruder asks that the applicant provide dimensions that are submitted to be on scale. Discussion ensues. Applicant agrees that it is not to scale currently, and will provide a detailed rendering that is to scale.

Mr. Wieliczko asks if Mr. Miller is familiar with a "scaled survey." Mr. Miller agrees to assist Ms. Freeman on scaled survey. Mr. Miller also agrees to provide an "as built plan" for conformance. Applicant agrees as condition of approval to maintain the architecture of the home.

Public Comment: None

Board Comment: None

Board Attorney Summary:

- Applicant is seeking to construct an 18' x 16' 3 seasons room. The room will create a rear yard setback of 21' where 25' is required. Applicant's property is on an irregularly shaped lot on the corner, which is why they are unable to comply/seeking relief.
- Conditions of Approval:
 - Applicant will maintain the architecture of the home.
 - Applicant will provide a scaled survey.
 - Applicant will provide as-built plans after to confirm that the property was built as proposed.

Motion to Approve ZB 16-13

Motion: Rodgers

Second: Hughes

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

Mr. Wieliczko states that the applicant cannot begin construction until permit is issued.

Mr. Hoffman arrives at 7:20pm for the second application.

2. Urban Edge Properties. ZB 16-12.

Conditional Use, FAR, Prel. & Final Major Site Plan.

301 Route 70 West, Block 21, Lot 1.01 (C-1/EVCO Zone District)

Applicant proposes to construct a new 5,423 sq. ft. building for two fast casual restaurants with associated site improvements.

William F. Hyland, Attorney for Applicant

Witnesses:

- Andrew Dorin, Architect
- Thomas Hunton, Director of Operations at Shake Shack
- Brian Silva, Urban Edge Properties
- Jennifer Leonard, Project Coordinator at Honeygrow
- Keith Cahill, Engineer
- John Harter, Traffic Engineer
- Judy Knop, Urban Edge Properties

Exhibits:

A1: Preliminary Major SIL Plan. Dated September 23, 2016

A2: Aerial Plan sheet preparation of Bowler Engineering. Dated 10-17-16.

A3: "Shake Shack. Marlton NJ." By Urban Edge Properties. South and East façades.

A4: Depiction of West/North Façade of Honeygrow.

A5: Shake Shack information page.

A6: Honeygrow Signage information page.

A7: Proposed façade signs; entranceway signs.

Applicant Testimony:

William Hyland Overview:

- Applicant is requesting a "D" variance from Zoning Board tonight.
- Applicant is requesting relief in regards to the following:
 - That a fast food restaurant must be attached to site. Applicant is proposing 2 single pad sites.
 - Section D3 Variance.
 - D4 Variance in regards to floor area ratio increase.
- Applicant is proposing 2 less parking spaces than what is required.
- Applicant is requesting waiver on impervious coverage. While applicant is decreasing amount of impervious coverage, it still exceeds what is allowed on site.
- Mr. Hyland describes background and history of the site, including the removal of the Marlton Circle by the DOT.
- Two fast casual restaurants will be placed on site: Shake Shack and Honeygrow.
- No drive-thrus are proposed, establishments are entirely sit down.
- Visible building/entranceway on Rt. 70

John Harter and Keith Cahill are presented as expert witnesses in the fields of engineering by Mr. Hyland and are accepted by the board.

Mr. Wieliczko swears in Zoning Board professionals.

Brian Silva Testimony:

- Succeeding landlord of location.
- Describes what is currently located on the site. Company decided to add more food tenants in the area. Both food tenants are very popular.

Thomas Hunton Testimony:

- Regional Director of Operations at Shake Shack
- Describes history and mission statement of Shake Shack. Describes other locations in the area.
- Proposed site will have indoor seating as well as seasonal outside seating.
- Hours of Operation will be Sun-Thurs (11am to 10pm), Fri/Sat (11am to 11pm).
- 70 employees will be hired; 8-10 on management staff.
- Mr. Wieliczko asks about seat total. Architect will provide information.

Jennifer Leonard Testimony:

- Describes history and background of Honeygrow.
- 11 operating stores with an aggressive expansion plan. Discusses locations expected to open in 2017.
- Hours of Operation: 11am to 10pm (Mon-Sunday)
- 50-60 full time/part time employees with full time management staff.

Keith Cahill, Testimony:

- Discusses background of site, how DOT took 2 acres of land which impacted the East side of the shopping center.
- Discusses the various entrances/exits to the site. Main path is in the middle of the shopping center.
- Parking area is largely vacant for where the proposed site will be placed.
- Proposed space will be 5,423 sq. ft.
 - Shake Shack: 3,057 sq. ft.
 - Honeygrow: 2,366 sq. ft.
- Proposed building will be modifying parking/drive aisle. Space will reduce parking on lot by 55 spaces.
- No negative impact on the site.
- Area where sites are proposed is where there is the least activity in the shopping center. Thus, there will be sufficient access to the site, and the proposed site will utilize all areas of the shopping center.
- Proposed 3,220 sq. ft. of extra green space will be added to the site.
- Site circulation will be safe and easy for travelers.
- Discusses various improvements that will be made to the site including how the site area is no impact. Describes outdoor seating of both areas and the enhanced landscaping surrounding the area.
- Loading area will be located on the east side of the site with trash enclosures. This will serve both properties.
 - Applicant has agreed per the board professionals to add a “man-door.” Also agrees to screen the outdoor area from the general public.
- Applicant will pull water/electricity from the site. Applicant will run sanitary sewer connection.
- Enhancements will be made to storm water management. Applicant proposes to reduce the amount of water leaving the site. There are no existing drainage problems on site.

- Applicant will also add significant landscaping to the site and include lighting.
 - Applicant will add 2 additional lights to the site; will match the existing lights on site at the Shopping Center. Applicant is requesting to leave lighting as is.
- Discusses parking set back on Route 73. States that there will be minimal impact, not any worse than what it currently is.
- Discusses impervious coverage.
 - 80% impervious coverage at the site.
 - 78.7% impervious coverage that is proposed.
- Proposed site will only make the parking spaces 2 fewer than what is permitted.
- Discusses comment from board professional regarding better pedestrian circulation. Applicant is agreeable to plan, could provide crosswalks, agrees to use different materials to delineate plan.
 - 990 parking spaces are required, and 986 will be proposed (4 fewer) if the applicant was to add further pedestrian circulation.
- Discusses “D” variance in regards to the site.
- Discusses various aspects of the site, no negative impacts.
- States that the site and uses need to be closer to the roadway, not in the shopping center.

Jonathan Harter Testimony:

- Discusses traffic impact.
- No interest letter issued by the DOT on October 11th. DOT does not believe that a re-analysis of the access points is warranted.
- 11 areas in the center that were monitored in peak evening hours and on Saturdays.
 - Traffic is very low in areas of proposed restaurant.
 - Overall parking in the center is acceptable levels with traffic. No issues seen.
- Discusses circulation of the site. Limited impact to layout, applicant will maintain all major aisle intersections.
- Discusses parking analysis that was performed.
 - Applicant will supply 986 parking spaces. During peak time, 503 spots will be utilized. During peak months, there will be a 35% increase in parking, or 700 parking vehicles. Site will accommodate the extra site.
- Discusses the pedestrian areas that will be added.
- Discusses why restaurants are not attached to the building. Area will accommodate proposed use of a pad site. Additionally, there would be constraints that would burden the applicant.

Andrew Dorin Testimony:

- Discusses architecture of the proposed site.
- 24 ft. maximum height of the two sites. Incorporate modern/contemporary styles of architecture.

- Shake Shack will have no more than 75 seats outside area will have no more than 40. Interior plan is not finalized at this time.
- Honeygrow will have 55 interior seats and 24 exterior seats.
- Design of building will bring a friendly ambiance to the shopping center.
- Materials used will be more modern to site.
- Mechanical equipment screened from public view. Building is to scale.
- Signage on the building:
 - All 4 façades on site will have signage.
 - Shake Shack: Signs will be displayed on Canopy. 3 ft. in height. Channel lit letters. Bandage sign will also be on architectural canopy that is not lighted.
 - Honeygrow 2 ft. 10 inch signs.
 - 3 branded signs to be included. 44.62 sq. ft. sign.
 - Sign located on N. façade and E. façade of site.
 - HG logo will be painted over block on outside.
 - Existing pylon site at the entrance of the site on Rt. 70. Will be refinished and eliminate “voids” in the sign. Architectural base will be added to the signs. No updates to signs on Rt. 73 frontage.

Applicant ends formal testimony.

Board Professional Testimony:

Leah Furey Bruder, Planner:

- Review letter updated October 17th, 2016
- Discusses the Evesham Crossroads Overlay (EVCO) on Route 70 and Route 73. Excited to see there is a revitalization of the site.
 - Under the EVCO, the scale of development is allowed to be increased as well as the square footage of the sign.
- Proposed architecture of site is a step up and underutilized in the site.
- Discusses the issue of the restaurant not meeting use, and the applicant needing to request a variance. States that the applicant has sufficiently addressed why the restaurants are not in line with the rest of the shopping center. States that while this is acceptable, the places should feel connected. States that she is willing to give up 2 additional parking spaces to accommodate pedestrian crossing.
- Discusses the various variances that are requested.
 - Discusses variance about no more than 3 free standing buildings. Purpose is to unify site. Asks about Friendly’s moving. Applicant states that the rumors are unfounded, and Friendly’s is looking to do a re-model of the current premises.
- Refers to Mr. Dariji on the other variances that applicant has requested.
- Discusses crosswalk, states that it would be acceptable to be stamped concrete/asphalt. Applicant agrees.
- Asks applicant to provide details about outdoor seating, applicant agrees.
- Asks both representatives from Shake Shack and Honeygrow to discuss deliveries.

- Mr. Hunton states that Shake Shack deliveries will be from 7am to 9am to shield guests from deliveries. No materials will be left outside.
- Ms. Leonard states that Honeygrow deliveries will be from 7am to 9am as well. Delivery trucks will be in and out as quickly as possible.
- Discusses lighting.
 - Encourages applicant to install promenade lighting even though it will not match the rest of the site. Reasoning is that if site is upgraded, it will also be encouraged to have promenade lighting. Applicant agrees.
- Discusses trash enclosures.
 - Applicant agrees to install a man-door.
 - Applicant agrees that no dumpsters will sit outside the enclosure.
- Discusses signage.
 - 2 Freestanding signs exist. Notes that when Bank of America came in, the board did not allow for a free standing sign as the site had four. Asks that the other freestanding sign be improved at the base and the post to refresh. Applicant agrees to also provide dimension for the height and include landscaping.
 - Discusses sign panels. Mr. Dorin from applicant explains why this is. Mr. Hyland notes that if sign panels were not as applicant proposes, it would diminish from aesthetic. Ms. Furey Bruder acquiesces.
 - Façade Signs:
 - Applicant is proposing 9 where 4 are allowed. No concern with having signs on all four sides. Unsure about the Honeygrow Logo and list of products displayed on Shake Shack Sign.
 - Mr. Hunton states that the billboard sign on shake shack is of cultural significance to the company. All locations include this. Mr. Dorin states that the letters are part of the communication. Alternative would be signage illuminated closer to the building. The lighting will match the canopy in the background. Ms Furey Bruder says okay.
 - Mr. Dorin describes the Honeygrow circle as an artistic/different type of signage, and it is not lit. It is part of the branding of the site, and maintains integrity of the architecture.
 - Ms. Hughes asks where the Honeygrow logo faces. Mr. Dorin responds that it faces at the North towards route 70. Mr Dorin adds that without it, it might look like the back of a building.

Rakesh Dariji, Environmental/Traffic Engineer.

- Review letter dated October 7, 2016.
- No objection to applicant's request for a waiver of the environmental assessment and the cultural resource survey.
- Okay with the variance of parking with 4 fewer spaces. This is acceptable so that the applicant provides crosswalks to benefit pedestrians.
- Mr. Hyland is okay with comments on review letter.

- Discusses use of alternative pavement with concrete and crosswalks. Mr. Cahill responds about pedestrian crosswalks away from the building. Mr. Cahill and applicant are not sure about modifying the pavement type as it would create a disturbance to the shopping center. Discussion ensues.
 - Mr. Hyland states that there is middle ground; applicant will agree to have experts to come up with some accommodations to satisfy all parties. Mr. Dariji is okay with this proposal. Mr. Wieliczko asks that if the professionals cannot come to agreement, what the applicant will do. Applicant states that if that there is no resolution, applicant will defer to Mr. Dariji's comments.
- Mr. Dariji states that all items in letter applicant has agreed to and accepted. Asks applicant to give a letter that describes the various lots in the shopping center. Applicant agrees.
- Asks about loading at the same time, applicant describes. No issues with application.

Chris Rehmann, Engineer:

- Review letter dated August 23, 2016. Did not revise plans, as he did not receive the revised plans since June.
- States that site itself is not that significant in impact with what he has worked with.
- Concerned about loading areas and revised storm water plan.
- Mr. Wieliczko states that applicant will provide Mr. Rehmann with an additional set of plans, and that Mr. Rehmann and Mr. Cahill will discuss any concerns. Any issues will be discussed by the board attorney and the applicant attorney. Applicant agrees.

Public Comment: None

Board Comment:

- Mr. Alperin asks Mr. Dariji about leaving the site on Rt. 73 and if there will be any problems, as there is already a line. Mr. Dariji states that the light was recently approved by the DOT and asks that DOT control the timing of the lighting.
 - DOT can adjust timing of shopping center create signs or pavements markings to prohibit those making left hand turns. Applicant will make request to the DOT to create easier access to leave center. Applicant has no issue with signage to encourage people to not block the turns.
- Mr. Lutner asks about when deliveries are made to the Kohl's/Shop Rite, and if they would use the same one. Mr. Hyland discusses states that there will be no direct interference. Loading docks of are on the opposite side, so traffic pattern will allow them to easily enter and leave the site. Applicant further discusses hours and times of deliveries, states that Shake Shack and Honeygrow will have deliveries during the day.

Board Attorney Summary:

- Applicant is seeking major preliminary/final site plan approval.
- Applicant is seeking to utilize an underused portion of an existing site plan approval.
- Applicant is seeking the following Conditional Use Variance:
 - Fast Food Restaurants to be freestanding as opposed to being a part of the shopping center,
 - Signage component on the number of the signs.
- Applicant is seeking a “D” variance on the floor area ratio. No objection on this from the board professionals.
- Applicant is seeking the following Bulk Variances:
 - Number of free standing buildings in a site. 3 are permitted, 4 are proposed by the applicant.
 - Parking: 990 spaces are required; 988 proposed; 986 will be approved so that the applicant can provide crosswalks for pedestrians.
 - Elimination of loading zone; 1 loading area proposed. No issues from the board professionals.
- Applicant will reduce impervious coverage from 79% to 78.7%. Permitted impervious coverage is 70%.
- Applicant has provided details of the site including the proposed tenants.
 - DOT took certain areas of the property. Applicant is seeking relief on the minimum front setback on parking from the highway, and on the drive aisle width.
- Applicant will agree with all remaining conditional use requirements.
- Applicant professionals and board professionals will work together in regards to modifications to install pedestrian walkways.
- Applicant has discussed signage and blocking the exit aisle.

Motion to Approve ZB 16-12

Motion: Hoffman: states that he is okay with the Honeygrow sign on the side of the building.

Second: Alperin

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

Meeting paused at 9:27pm. Resumes at 9:40pm.

3. Ambrosia Real Estate of NJ, LLC. ZB16-05SP

Prel. & Final Major Site Plan

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

Applicant received a Use Variance approval June 20, 2016

Applicant is proposing a 32 bed residential substance abuse treatment facility on the 24.4 acre property, an expansion of the existing 44 bed facility located on the adjacent lot in Medford Township.

Patrick McAndrew, Attorney for Applicant

Mark Herrman sworn in as an expert for the Zoning Board. Mr. Herrman works with Mr. Rehmann.

Witnesses:

- Mike Avila, Engineer
- Joe Morrison, Ambrosia Representative
- Ryan Regina

Exhibits:

A1: Exhibit Packet provided by applicant.

Applicant Testimony:

Mike Avila, Engineer

- 15 units proposed for a 30 bedroom facility. Footprint of the building has not changed, however number of units is less than what was presented in June.
 - 2 fewer units, and no phasing aspect of project.
- Ambrosia Real Estate has acquired Block 17 Lot 2, and Block 901, Lot 1.02.
- Medford Township Planning Board granted preliminary/final site plan approval to the site in September.
- Outside agency approvals have been obtained or obtained with comments.
- Letter of interpretation of NJDEP. Submitted plans reflect wetlands delineation. Approval from Burlington County Engineering, Evesham MUA has given S1-W1 and S2-W2 approvals.
- Applicant is seeking preliminary major and final site plan approval.
- Site will use public water and sewer. Applicant has acquired a blanket easement for these.
- Storm water management plan proposes 2 basins.
- 42 parking spaces proposed: 38 at front of site, 4 in back where rear is.
 - All parking will be from staff members, as the patients on site will not have vehicles to use.
- No Bulk Variances requested.
- Applicant is seeking relief from a setback buffer on the side aisle driveway. 15 ft is required, and 13 ft is proposed. Applicant is requesting relief as 13 ft will align area better, and will be easier for vehicles to go straight to back of the site. This will allow the driveways at the existing property and the proposed property to connect easier.

Applicant ends formal testimony.

Board Professional Testimony:

Leah Furey Bruder, Planner

- Review letter dated September 12, 2016
- No objections to the driveway set back variance. Landscaping is not necessary in this area.
- Discusses issues regarding landscaping and lighting. Requests a waiver for shade trees. Applicant accepts.

- Discusses man-door on site where enclosure is 4 ft. wide and 6 ft. tall for trash. No concern due to the long term nature of employees, and as the site is not a shopping center.

Rakesh Dariji, Environmental Engineer

- Review letter dated October 12th, 2016
- Not many comments as many of previous comments have been incorporated by the applicant in testimony and in previous meetings.
- Asks applicant to include letter from the DEP to update files. Applicant agrees.

Mark Hermann, Engineer

- Review letter dated October 14th, 2016
- Some minor plan items that Mr. Avila has agreed to make changes upon previously.
- Concerns with water quality component to storm water regulations. Issues with infiltration basin. Wants to make sure that it will work and applicant follows through with DEP regulations.
 - Mr. Wieliczko states that the board and applicant engineer will work out these issues. If no consensus is reached, the applicant will agree to comply with the letters from the board engineer. Applicant and Mr. Hermann agrees.
- Discusses lighting of the building. .8 foot-candle is acceptable applicant has only proposed .3 foot-candle. Applicant will revise.
- Storm water management. Applicant agrees to update report to address concerns.

Public Comment: None

Board Comment: None

Board Attorney Summary:

- Applicant is seeking approval tonight for preliminary/final site plan.
- Applicant received approval for application and use variance on June 20, 2016.
- Applicant is proposed a 15 unit, 2 bedroom facility that will hold 30 beds.
- Applicant is requesting relief regarding a setback buffer. Applicant proposes 13 ft. where 15 ft. is required. Applicant has stated that this is to keep driveway lined.
- Applicant has agreed to space trees from 3 ft. to 2 ft.
- Applicant has received a use variance from the Medford Township Planning Board.
- Applicant has received a letter of intent from the NJDEP.
- Applicant will revise lighting to .8 foot candles.
- Applicant will address concerns raised by Mr. Herrmann's office.

Motion to Approve ZB 16-05SP

Motion: Rodgers

Second: Amato

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

Public Comment: None

Board Comment: None

Communications/Organization:

Next Meeting: November 21st, 2016

Resolutions:

ZB 16-15

Motion: Rodgers

Second: Lowden

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

ZB 11-02A

Motion: Alperin

Second: Rodgers

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

ZB 12-03A2

Motion: Hoffman

Second: Amato

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

ZB 15-23

Motion: Hoffman

Second: Lowden

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

Meeting Adjourned at 10:08 pm.