

**Township of Evesham
Zoning Board
Meeting Minutes**

19 June 2017

7pm

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:12pm

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, Wessner, Alperin, Lutner, Meyers, Hoyle, Osno

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

Absent: Rodgers, Amato, Arcari

Meeting Minutes

April 24th, 2017

Motion: Alperin

Second: Osno

Ayes: Parikh, Wessner, Alperin, Lutner, Meyers, Osno

May 1st, 2017

Motion: Wessner

Second: Lutner

Ayes: Wessner, Alperin, Lutner, Meyers, Hoyle, Osno

Continuation of Scheduled Matters

ZB 16-14: RH Properties, Developers Agreement- 7/17/17

ZB 17-09 Burns Kull, Inc.- Major Site Plan- 8/21/17

Mr. Wieliczko states that the above matters will be continued to the July 17, 2017 meeting. No further notice is required for these applications.

A. Unfinished/New Business

1. Kathleen A. Horay. ZB 17-08

18 Hibiscus Drive, Block 11.49, Lot 21 (SEN Zone District)

Applicant is proposing patio & cover, rear setback of 1' where 10' is permitted.

Witnesses Sworn In:

- Kathleen Horay, 18 Hibiscus Drive

Kathleen Horay Testimony:

- Applicant is located in Village Greens, a 55 and over community.

- Applicant is looking for a 1 ft. setback to install a roof over the patio.
 - 10” x 45” patio that exists, installed by previous homeowner. Applicant was not aware patio was in violation of Township code.
- HOA provided letter of approval; no concerns.
- Back of yard is open space
- Applicant has sent letters to neighbors, and no complaints/objections by them.

Public Comment: None

Board Comment: None

Board Attorney Summary:

- Applicant is seeking relief for a Bulk Variance. Requesting a 1 ft setback where 10 ft. is required, so that applicant can place a roof over the current patio.

Motion to Approve ZB 17-08

Motion: Lutner

Second: Alperin

Ayes: Alperin, Wessner, Lutner, Meyers, Hoyle, Osno, Parikh

- Ms. Horay asks if she can begin project as soon as possible. Mr. Wieliczko states that the resolution of approval will be available for the July meeting. If Ms. Horay takes any action now, it is at her own risk. Ms. Horay says that she will wait for July 17 meeting.

2. CareOne at Evesham Assisted Living, LLC. ZB 98-07 EX1. Extension of Approvals.

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

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

Tom Trautner, Attorney for Applicant

Witnesses Sworn In:

- Angelo Caputo, CareOne Associate, Architect, Project Manager

Tom Trautner Overview:

- Applicant is seeking a second extension for a project that was originally approved on December 17, 2012.
 - Preliminary approval with bulk variances granted.
 - Prior approval was to permit an additional 27 units with 18 Alzheimer units.
 - Project includes reconstruction of parking and landscaping.
- Sought 1 year extension previously on June 18, 2016. (Result of Permit Extension Act). Requesting another 1 year extension.
- CareOne is looking to finish interior modifications. Wants to finish interior before adding an additional building.

- Asking board to grant an extension until June 30, 2018.
 - This would be the second extension granted by the Board. Applicant is permitted to request 3 extensions.

Angelo Caputo Testimony:

- States that Mr. Trautner made accurate representation of what the applicant seeks to accomplish.
- Applicant wants to re-evaluate interior of facility before pursuing a new project.

Public Comment: None

Board Comment: None

Motion to Approve ZB 98-07 EX1

Motion: Lutner

Second: Osno

Ayes: Alperin, Wessner, Lutner, Meyers, Hoyle, Osno, Parikh

3. Marlton Properties, LLC. ZB 09-17 EX1. (a/k/a Infinity Hotel Group, LLC)

Extension of Approvals.

810 Route 73 South, Block 35.50, Lot 18.03 (C-1 ZOne District)

Applicant is requesting (2) one year extensions of its prior approvals.

Michael R. Peacock, Attorney for Applicant

Witnesses Sworn In:

- Mayur Chedda, Managing Member

Michael Peacock, Overview:

- Applicant is seeking an extension of prior approval under the Permit Extension Act.
- Seeking two 1-year extensions. Appeared before Zoning Board last year (June 2016), so this would be the second and third extension permitted.
- Applicant received approval for a 5-story hotel on Route 73 S.
- Applicant has been unable to pursue project due to economic downturn, and slow growth in the hospitality industry.
- Granting both extensions would give applicant flexibility to start project this year or next year. Applicant has received all outside approvals, and is waiting for an uptick in tourism.
- Asking for extension granted until June 30, 2019.
- Mr. Chedda states that the applicant will continue their due-diligence and financing for the project.
- Applicant agrees as a Condition of Approval that they will let Zoning Board Staff and Officials know one year from now via a letter the status of the project.

Public Comment: None

Board Comment: None

Motion to Approve ZB 09-17 EX1.

Motion: Wessner

Second: Lutner

Ayes: Alperin, Wessner, Lutner, Meyers, Hoyle, Osno, Parikh

4. Virtua-West Jersey Health System, Inc. ZB 17-01. Amended Preliminary & Final Site Plan & “C” Variances.

90-100 Brick Road, Block 16, Lots 5.01 & 5.03 (C-1/EVCO Zone District)

Applicant proposes to construct a 10,140 sq. ft. addition at the southern end of the hospital along the Brick Road frontage with additional parking.

William F. Hyland, Jr., Attorney for Applicant

Witnesses Sworn In:

- Lisa Ferraro, Site Administrator for Virtua Marlton
- Tim Kernan, Engineer/Planner
- John Angelucci, Assistant Vice-President for Facilities at Virtua

Exhibits:

A1: Rendered aerial of property with site improvements.

William Hyland Overview:

- Site is located at the southern end of the Hospital Building (side that faces Brick Road). Applicant is looking to construct offices, and create additional parking.
- Applicant acquired property at 100 Brick Road last year: wants to add improvements and add 160 additional parking spaces, which are much needed.
 - 145 spaces will be added onto the hospital parking, and 25 spaces will be for office building.
- Variances Requested:
 - 8 ft. fence requested
 - Existing Conditions that have not changed: Floor Area Ratio Variance already exists.
- Applicant has looked at the Board Professional review letters and has responded to each one.

John Angelucci Testimony:

- Discusses the site; orients Zoning Board to site and the land recently purchased.
- Staff currently parks on the other side of Route 73; hospital currently uses shuttle bus. Proposed plan will allow employees to park directly at site.
- Discusses loading dock and the current trailers that exist.
 - Current trailers include offices, housekeeping, and food service. Only one bay for trailers to load into.

- Proposed plan will remove all trailers, except a few for landscaper material and salt. Also, temporary construction trailers will be on site during the duration of construction. These trailers will be removed after.
- No proposed increase in hospital staffing levels.
- New site will improve truck access; by providing 3 loading docks to pull up too.
- Applicant will add sidewalk down Brick Road.
- No changes to the buffer or access to the site.

Lisa Ferraro Testimony:

- No outpatient physical therapy or other therapies that will be on site.
- No increase in hospital activities: no changes in number of employees, shifts, etc.

Tim Kernan Testimony:

- Discusses parking; proposed application will gain parking on Northern side of property.
 - Notes that Mr. Angelucci went through other changes on site.
 - Discusses underground drainage system that is proposed; it will allow site to increase parking and improve stormwater management.
 - States that variance is required for aisle width. Currently aisle width is 24 ft where ordinance requires 25 ft. Asks for variance to remain consistent with entire site.
 - States that he believes the additional parking will improve site and increase available parking.
 - Office has submitted responses to the Board Professional letters.
 - Mr. Hyland discusses the cross-access easements and their adequacy. States that the easements have always existed. Notes that there is no need to create additional cross easements between properties (ie. 100 Brick Road).
- Mr. Parikh asks how many variances are requested for this application?
 - Mr. Hyland discusses the 4 variances:
 - Impervious Coverage of 72.2% where maximum of 70% is permitted.
 - Drive aisle width of 24 ft. where 25 ft. is permitted.
 - Front yard setback on Brick Road of 47.5' where 50' is required.
 - Setback is to the easement line and not the road line.
 - Pre-Existing (nonconforming conditions)
 - Buffer along Eastern property line: 25' exists where 75' is required.
 - Parking: 1281 spaces total.

- Mr. Alperin asks about the parking and if it for the public as well as doctors and staff? Applicant responds yes. About 30 spaces will be reserved for doctors and administrators. 130 spaces will be reserved for the public.

Applicant ends formal testimony.

Leah Furey Bruder, Planner

- Review letter updated June 19, 2017
- Applicant has addressed majority of comments in review letter and agree to most of the comments, or will work out with applicant on site.
- Asks if applicant agrees as a condition of approval to work out the sidewalks with the detention basin; applicant agrees.
- Asks if applicant agrees as a condition of approval to add trees to landscaping plan; applicant agrees.
- Asks if the applicant can add more promenade lighting and change lighting to more prominent locations; applicant agrees.
- Discusses trash and recycling. States that variance for 8 ft. fence is justified.
- Asks if the dumpsters behind 92 and 94 Brick Road can be enclosed. Applicant states that other tenants own these buildings, and have no control. But applicant agrees to work together to get everyone on board.

Rakesh Dariji, Traffic/Environmental Engineer

- Review letter dated June 16, 2017
- All technical items in review letter the applicant has agreed too.
- Asks about the parking study
 - Asks what the parking demand is after 4pm. Applicant states that after 4pm, a majority of the staff goes home, and all outpatient activities are finished by 4pm.
- Satisfied with application.
- Mr. Parikh asks if the 167 spaces are added? Applicant says yes. Discussion of parking numbers and requirements ensues.

Chris Rehmann, Civil Engineer

- Review letter dated April 18, 2017; response June 9, 2017
- Most items the applicant was in agreement with or have offered to resolve.
- All in agreement except the method in which to calculate stormwater when placing it underground.
- Mr. Wieliczko Asks if applicant agrees as condition of approval that the applicant's engineer work with Mr. Rehmann for stormwater calculations to the satisfaction of the board engineer. Mr. Hyland agrees.

Public Comment: None

Board Comment: None

Board Attorney Summary:

- Applicant is looking to create a 8,335 sq. ft. addition to hospital with additional parking.
- Applicant will increase parking by 167 spaces.
- Applicant is requesting relief for a 24 ft. drive aisle, where 25 ft. is required.
- Applicant is requesting relief for 72.2% impervious coverage where 70% is required.
- Applicant is requesting relief for an 8 ft. fence on Brick Road on the side of the property.
- Buffer of 25 ft. exists where 75 ft. is required; asks to maintain this buffer.
- Conditions of Approval
 - Agree to all comments in the Board professional review letters.
 - Will provide stormwater management calculations to Mr. Rehmann to his satisfaction.

Motion to Approve ZB 17-01

Motion: Wessner

Second: Alperin

Ayes: Alperin, Wessner, Lutner, Meyers, Hoyle, Osno, Parikh

5. Brixmor Property Group, Inc. ZB 12-18A2. Amended Preliminary & Final Major Site Plan & “C” Variances.

101 Route 73 South, Block 24.21, Lots 1 & 2 (C-1/EVCO Zone District)

Applicant proposes changes related to Lot 1 only to modify the existing shopping center in order to repurpose a portion of the existing Burlington Coat Factory space, modifying the access drive, reconfiguring parking, add trash & recycling enclosure areas.

Richard J. Goldstein, Attorney for Applicant

Witnesses Sworn In:

- Gregory Woodruff, Planner
- Dan Disario, Engineer
- Joseph Davidson
- William Griemal, Brixmore Associates

Exhibits:

A1: AE-1 Aerial, Marlton Crossing I Redevelopment, Dated June 19, 2017

A2: Boundary and Topographic Study. Dated June 19, 2017

A3: Rendered site plan of redevelopment

A4: Drawing (A-SK1). Proposed elevation design. Dated April 3, 2017

Richard Goldstein Overview:

- Discusses applicant, Brixmor, owner of Marlton Crossing Shopping Centre.
- Two Lots on Property:
 - Lot 1: 15.3 acres; Marlton Plaza Associates LP

- Lot 2: 16.3 acres; Marlton Plaza Associates II LP
- Both lots operate as a single lot, and there is cross-easements in both lots. Looked at as one shopping center from planning perspective.
- Site is located on a C1 Commercial District.
- No new building is being proposed.
- Applicant is seeking Major and Preliminary Final Site Plan
- Purpose of project is to downsize and repurpose the current Burlington Coat Factory site.
 - 84,380 sq. ft. building.
 - 50,752 sq. ft.: size of new Burlington Coat Factory Building.
 - 30,000 sq. ft: size of new tenant space available. Currently no lease is signed, but applicant will match what is a permitted use in C-1 District.
- Site Improvements:
 - Increase main access to drive to Rt. 73 by 40 ft.
 - Reconfiguration of parking by access drive: add loading to remaining Burlington Coat Factory Space.
 - Decrease in 16 loading spaces.
 - Increase in 33 parking spaces; net 17 spaces total.
 - Decrease of 6 spaces due to comments made by Board Professionals to add cart corrals.
- Variances Requested:
 - Maximum Impervious Coverage
 - 77.3% currently exists.
 - 78.5% proposed.
 - Front Yard Setback
 - 36 ft. exists
 - 35.5 ft. proposed.
 - Minimum Parking Ratio
 - 4.40 proposed ratio
- Discusses Board Professional review letters; no issues with comments that have been made.
- Applicant is asking for waivers from the Phase 1 study, Cultural Resource Survey, and Traffic Study.

William Griemal Testimony:

- Vice President of redevelopment at Brixmor.
- Confirms cross- access easements.
- Confirms downsizing of Burlington Coat Factory.
 - Currently the largest, and still will remain the largest.
 - Common practice is to create a smaller store.
 - No new tenant has signed a lease at this time.
- Discusses plan; confirms what Mr. Goldstein discussed in his overview.
- Notes that no new signage is proposed; any new signage will comply with ordinance, or applicant will come before the board.

- Agrees as a Condition of Approval that the dumpsters will stay within their enclosures.

Dan Disario Testimony:

- Summary of professional background; approved by Board as expert witness.
- Provides brief overview of plan before the board; orients to location.
- Burlington Coat Factory will become smaller.
- Applicant proposes to take existing driveway on Rt. 73 and move it north by 35 ft. This will provide viable area for tenant so as the drive aisle is not located directly in front of them.
- Applicant proposes to remove parking to southern side in rear of the building; and create a loading dock for the re-sized Burlington Coat Factory.
- 3 masonry enclosures will be created behind homegoods, and an additional enclosed dumpster behind the Burlington Coat Factory.
- Discusses Parking:
 - Proposed plan will lose parking towards the rear of the site, but it will be placed in the front. 33 spaces will be added in the front; applicant is asking for some flexibility for cart corrals/construction concerns. Applicant says they can lose about 6 spaces without issue.
- Discusses Landscaping:
 - Applicant proposes to evaluate existing trees; if in bad shape they will replace them with more trees. Applicant is looking to possibly widen landscaping areas.
- Discusses Lighting:
 - Applicant proposes to use black poles with LED lights.
 - Applicant will add additional light poles that are consistent with previous approvals.
- Discusses Stormwater Management:
 - Applicant is proposing an underground detention system: increase in impervious coverage.
- Department of Transportation Approval (for driveway relocation): DOT seems to be involved to grant approval; applicant will file access application if/once they receive DOT approval.
- Discusses the April 3, 2017 Traffic Study.
 - Findings/Conclusions:
 - No change in retail footage; and no change to overall traffic impacts. Will remain the same as it is today.
 - Parking Supply:
 - Ratio is 4.02 parking spaces for 1000 sq. ft. of Building Area in Lot 1. Adequate to complement the amount of parking demands necessary.
 - 4.42 parking spaces requested (for lots 1 & 2): with 6 less spaces it will be 4.40 parking spaces per 1000 sq. ft.

- Variances applicant has requested outweigh any detriments from the application.
- Mr. Parikh asks about loading docks and the particulars. Discussion ensues.
- Mr. Alperin asks about traffic study, and how can they predict traffic if no new tenant? Mr. Disario responds that it is based on square footage. Ms. Furey Bruder notes that she is not concerned about traffic from an additional tenant. Mr. Dariji states that the parking would be the same. Mr. Alperin asks what impact would then be to move the driveway towards the image beauty store? Mr. Disario states that the parking supply would remain the same. Discussion ensues.

Joe Davidson Testimony:

- Provides summary of background; approved by board as expert in field.
- Discusses elevation changes to shopping center as a result from changes in plan.
- Discuss architectural elements: applicant proposes to bring tower elements in corners and add shingled roofs, bring glass and light into the tenant space.
- Facade signage for conceptual purposes: no signage proposed currently.
- Applicant proposes to use red brick, match materials already on site.
- Landscaped areas: will work with the Township to provide additional landscaping to match the look of the architecture.
- Any new rooftop equipment will be screened from view.

Gregg Woodruff Testimony:

- Testified previously; accepted as an expert witness.
- Discusses Variances:
 - Impervious coverage increase is de minimis from a center this large; the increase in coverage creates a better configuration of the shopping center.
- Notes that the parking space benefits outweigh any detriments to the site.
- Parking distance from the Front Yard setback will create benefits that outweigh any detriments.
- Update and upkeep of the shopping center is a positive thing from a planning perspective.

Applicant ends formal testimony

Leah Furey Bruder, Planner:

- Review letter dated June 6, 2017
- Discusses variances requested; applicant has explained the need for the variances. No objection to variances, as long as comments were agreed to in the review letter.
- States that landscape islands will need to either be divided or eliminated: site will look different, yet it is a good idea to refresh landscaping.

- Discusses tree removal: only remove trees that are in bad health or dead. Asks that the applicant remain some mature trees on the site.
- Applicant has agreed to landscaping comments made in review letter. Will work out all details with the applicant.
- Applicant has received approval to re-light the entire site.
- Satisfied with application.

Rakesh Dariji, Traffic/Environmental Engineer:

- Review letter dated June 9, 2017
- All testimony requested in review letter has been provided.
- Submission waivers have been approved; redevelopment of existing site so there is no objections.
- Mr. Parikh asks if they will still need outside agency approvals? Mr. Dariji says yes.

Chris Rehmann, Civil Engineer:

- Review letter dated June 1, 2017; applicant responded June 14
- Applicant has agreed to revise stormwater calculations accordingly, so that they are in agreement.
- Applicant is subject to the revised plans/comments in the June 14 letter.

Public Comment: None

Board Comment: None

Board Attorney Summary:

- Applicant is seeking amended preliminary and major final site plan approval.
- Amend space on Lot 1 of the property.
- Applicant requests 3 Variances that encompass both Lots 1 & 2
 - Impervious coverage increase of 1.2%: 78.5% requested.
 - Parking space ratio of 4.40 where 4.5 is permitted
 - Front yard setback of 25.5" where 50" is required.
- Applicant requests waivers
- Applicant is subject to all outside agency approvals.

Motion to Approve ZB 12-18A2:

Motion: Wessner

Second: Alperin

Ayes: Alperin, Wessner, Lutner, Meyers, Hoyle, Osno, Parikh

Public Comment: None

Board Comment: None

Communications/Organization:

Next Meeting: July 17th, 2017. Will be re-organization and also requested to conduct business. Meeting will begin at 6:30pm.

Resolutions:

ZB 17-05

Motion: Wessner

Second: Hoyle

Ayes: Alperin, Wessner, Lutner, Hoyle, Meyers

ZB 17-06

Motion: Meyers

Second: Lutner

Ayes: Alperin, Wessner, Lutner, Meyers, Hoyle

ZB 17-07

Motion: Hoyle

Second: Meyers

Ayes: Alperin, Wessner, Lutner, Meyers, Hoyle

Meeting adjourned at 9:16pm.