

TOWNSHIP OF EVESHAM

Zoning Board

Minutes

7:00 pm

23 January 2017

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, Rodgers, Lowden, Alperin, Amato, Wessner, Lutner

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

Absent: Hoffman

Minutes: November 21st, 2016

Motion: Rodgers

Second: Alperin

Ayes: Parikh, Rodgers, Alperin, Amato, Wessner

Unfinished/New Business:

1. Wendy Davis. ZB 16-18.

26 Palmetto Ave., Block 13.39, Lot 12 (MD Zone District)

Applicant is seeking a front yard setback to install a 6' wood fence where 4' is required.

Witnesses for Applicant:

- Wendy Davis, Owner
- Ariel Davis, Daughter of Applicant

Ms. Davis Testimony:

- Applicant is seeking a variance for a fence. Applicant purchased home over 30 years ago.
- Applicant is seeking to replace the existing 6 ft. fence with another 6 ft. fence.
- Property is located on the corner.
- Applicant is simply replacing the existing 6 ft fence already in place. Idea to beautify property by installing a new fence.

Board Comment: None

Public Comment:

Mr. Fred Vinson, 18 Fernwood Avenue:

- Came out due to letter he received. Asks if the fence is in the same location as the previous fence. Applicant confirms that it is in the exact same location. Mr.

Wieliczko states that there is no obstacle to the corner of the property applicant is simply replacing the fence.

Mr. Wieliczko Summary:

- Applicant is seeking a variance to install a 6 ft. fence where 4 ft. is required.
- Applicant is seeking the variance due to hardships based on the corner location of the property. Applicant has testified that there have been no problems in 30 years that the applicant has resided at the home. Applicant is just simply replacing the fence.

Motion to Approve ZB 16-18

Introduce: Rodgers

Second: Alperin

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

2. Newbridge, LLC. ZB 11-04A2. Amended Prel/Final Site Plan- "D" Variance (FAR) & Bulk Variances.

Rt. 73 & Commonwealth Dr., Block 35.07, Lots 6 & 7 (C-1 Zone District).

Applicant is seeking approval for the conversion of an existing bank building to a retail building.

Tim Prime, Attorney for Applicant.

Witnesses for Applicant:

- Jason Sciullo, Engineer
- Glenn Tomlinson, Project Manager

Exhibits:

A1: Colored rendering of overall site plan.

A2: Rendered version of site plan. Dated January 16, 2017.

Applicant Testimony:

Mr. Prime Overview:

- Property is located at the Willowridge Shopping Center between Ardsley and Commonwealth.
- Shopping center is always being redeveloped. It has been well-maintained and kept well during the years.
- Location in question is the former TD Bank Site. Applicant is seeking to open a Osh-Kosh/Carter's store at the former site.
 - New site will be 7,000 sq. ft. and larger than the former bank.
 - Applicant will need to add additional parking to the far rear of the property.
- Applicant is seeking relief on two variances:
 - Impervious Coverage. Applicant has received previous variance. Will increase from 76.88% to 78.67% impervious coverage.
 - Floor Area Ratio (FAR), or a D4 Variance. TD Bank was 2,400 sq. ft. Site will be 7,000 sq. ft. Slight increase from existing conditions.

Jason Sciullo, Engineer Testimony:

- Gives qualifications and background as an engineer. Accepted by the Zoning Board as an expert witness.
- Area is formerly a bank; proposed future retail pad site.
- Major access points to the site (Rt. 73, Ardsley Drive, and Commonwealth Drive) will not be amended.
- Site is fully serviced by public utilities and will remain that way.
- Offsite basin will continue to manage site. No change to the storm water management plan.
- Applicant is seeking the following submission waivers:
 - Traffic Study: Site will not result in increased traffic at site. The nature of the proposed site will actually decrease traffic.
 - Environmental Impact Report/Environmental Assessment Report. The site is already built, thus no true need to measure environmental impacts.
 - Cultural Resource Survey. The site is already built.
- Discusses impervious coverage variance.
 - 65% is permitted. Previous approvals have given site 76.88%. New application is requesting a 2% increase at 78.64% impervious coverage.
- Front building set back will be 72 ft. on the side and 50 ft. from the front.
- Discusses Parking.
 - Applicant will add 53 spaces to the site. This will create 15 additional spaces from what is required by ordinance.
 - To do this, applicant will need increased setbacks from Rt. 73 and Commonwealth Drive.
- Discusses FAR Variance. (D4 Variance).
 - Applicant is seeking an increased ratio of .2249 where .22 is required. Applicant is only increasing area slightly.
 - In 2009, applicant received a variance for .23 FAR.
 - Positive Criteria for Allowing Variance:
 - FAR is a standard to control the intensity of development. Main commercial impact is traffic. However, with the proposed site, the intensity of the traffic will be reduced substantially.
 - Proposed site will advance various purposes of Zoning.
 - Site will establish a free flow of traffic.
 - Site will establish a desirable visual environment. Shows proposed landscaping. Site will include larger trees. Discusses that the UPS trucks dropping off the materials will be small box trucks, no larger trucks.
 - Site is already a current shopping center. Relief should be granted.
 - Negative Criteria for Allowing Variance:
 - No negative impact to surrounding area or the ongoing area.
 - Increasing the FAR will not impact the area. Increase is negligible and already conforms to the use. Applicant has proposed landscaping to shield view and establish a storm water management through an underground system.

- 4 Bulk Variances Requested:
 - Front Building Setback: Requests 60 ft. from Commonwealth Drive.
 - Side Yard Setback: Requests 37 ft. from Commonwealth Drive to relieve parking.
 - Front Parking Setback: Requests 29 ft. from Rt. 73. Similar to what is present on opposite side of site.
 - Increase impervious coverage.
- Design Waiver Requested. Discusses the storm water management system plan. Explains solution applicant has created and why other solutions were not feasible.
 - Mr. Wieliczko states that in this testimony, Mr. Rehmann will support the waiver. Board is to just see the background of the request, and it is not an issue.

Mr. Prime Testimony:

- Applicant is seeking no sign waivers, will conform to the ordinance.
- Asks Mr. Sciullo to show the location of the trash enclosures.
- Applicant has agreed to stamped colored asphalt to mark cross-walks.
- Applicant has asked for the display of outside storage.
 - Storage is outdoor displays. This will be located on Bed Bath and Beyond, Five Below, and Rastellis. States that the Department of Community Development asked for relief on this to make it official. Currently, applicant goes on a monthly basis for a permit, and does not want to continue to have to go back.
- Goes over loading of the site and location of the parking.

Mr. Parikh asks about the front yard setback? Ms. Furey-Bruder states that the existing variance is on the other side (Ardsley side). Applicant is seeking relief from the Commonwealth Drive side).

Applicant ends formal testimony.

Leah Furey Bruder, Planner

- Review letter dated January 23rd, 2017
- Discusses the FAR variance requested and previous approvals on the site.
- Encourage revitalization of the site, is supportive of granting the FAR variance. The FAR is not of any detriment in this case.
- Applicant has addressed most comments.
- Applicant has agreed to comments about architecture, pedestrian crossing, landscaping, lighting.
- Discusses about trash enclosures. States as a condition of approval, that the dumpsters must be stored inside the enclosures. Mr. Prime agrees.
- Discusses outdoor displays. States that this is fine as long as there is a Condition of Approval that the sidewalk is clear for pedestrians.
- Discusses signage. To signs are permitted for each store.

Chris Rehmann, Engineer

- Review Letter dated January 20th, 2017
- Discusses storm water issues that arose and the solution that the applicant has proposed. Proposed solution will improve storm water management system.
- Discusses infiltration system. States that Mr. Rehmann will work with Mr. Sciullo to work this issue out. Plan will be revised to details agreeable to Mr. Rehmann as a condition of approval.
- Discusses loading area of site at the platforms/steps at Commonwealth Drive. Mr. Sciullo says this will stay at the rear of the building, by the trash enclosures.
 - Discussion ensues regarding the loading zones.
- Applicant agrees to re-do dumpsters that is acceptable by the Township Planner and the Township Engineer.

Stacey Arcari, Traffic Engineer

- Review letter dated January 19th, 2017
- No issue to the traffic waiver that is requested.
- Asks applicant to verify that they are in conformance with existing access permit. Mr. Sciullo discusses this issue, will give a report to Ms. Arcari.
- No issue with other waivers.

Board Comment: None

Public Comment: None

Mr. Wieliczko Summary:

- Applicant is seeking Amended Preliminary/Final Site Plan Approval.
- Applicant is requesting relief from a D4 Variance.
- Applicant is requesting approval for an outside display ratio.
- Applicant is proposing to demolish existing bank building and constructing a 7,000 sq. ft. retail space with 53 additional parking spaces.
- D4 Use Variance:
 - Previous approval of the FAR was .2208, where a maximum of .22 is allowed. Applicant is proposing .2249 of space. The Planner has no objection to this variance.
- Applicant is requesting to increase the percentage of impervious coverage.
- Applicant requests outdoor display approval, agrees as a Condition of Approval to ensure the sidewalk is clear.
- Applicant has agreed to all Board professional comments made in their review letters as a Condition of Approval.
- Other Conditions of Approval Agreed Upon:
 - Dumpsters will be located inside the enclosures.
 - Trash/Recycling Enclosures plans will be given to the Board Planner and Engineer.
- Applicant is requesting various design waivers.

Motion to Approve ZB 11-03A2

Introduce: Rodgers

Second: Lutner

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

3. RH Properties. ZB 16-14. 'D' Variance (FAR) Only.

63-65 East Route 70, Block 4.09, Lots 21 & 22 (C-1/EVCO Zone District).

Applicant is seeking an approval of a 'D' Variance (Floor Area Ratio) of 0.25 where 0.15 is permitted.

Damien Del Duca, Attorney for Applicant

Witnesses for Applicant:

- James Kyle, Planner
- Brian Peterman, Engineer
- Jennifer Little, Representative of proposed site
- Joyce Glick, Representative of proposed site
- Nathan Mosley, Traffic Engineer

Exhibits:

A1: Aerial Plan of Site date January 23, 2017.

A2: Colored rendered site plan dated January 23, 2017.

A3: Architectural Renderings of site dated January 23, 2017.

A4: Elevations of Building.

Applicant Testimony:

Mr. Del Duca Overview:

- Site is located at Cooper and Rt. 70. Location is a pad site that has been vacant.
- Applicant is seeking an F.A.R/D4 Variance.
- Orients the board to the location of the site.
- Applicant is proposing a 5500 sq. ft. medical building on the RH Properties Lot (Lot 22).
- Lot 22 was developed in conjunction with Lot 21 which is the Plaza 70 site, and Lot 20 which is the Produce Junction site.
 - All three lots have shared parking and easements between each lot.
- Number of access points will remain the same on site.
- No changes on the site except what was allowed.
- Site is located at a former bank, which has long since removed. Parking of former bank remains the same.
- 5,500 sq. ft. of proposed site.
 - 4,000 sq. ft. would be designated for Atlantic Care Urgent Care Facility
 - 1,500 sq. ft. would be a rehabilitation center (Baccharat Rehab, Inc).
 - Uses are harmonious, both companies have worked together before.
- C1/C3 Zones: Also in the crossroads overlay district.
 - .15 FAR limit that is allowed for a 1 story building. Applicant proposes a .2515 FAR.

- If denied, applicant can come back with a 2 story building, which will be acceptable under the FAR.
- Discusses background of the D4 (FAR) Variance and the responsibility of the Board.
- States that there is no adverse impact on the surrounding properties. Proposal is consistent with redevelopment.
- Applicant will return for formal site plan approval.

Brian Peterman, Engineer:

- Gives qualifications, is accepted by the Board as an expert in his field.
- Describes background of the site.
- N. West corner of the building is Township owned property on Rt. 70.
- Discusses proposed parking spaces.
 - 253 spaces are available on all 3 lots. Ordinance requires 219 parking stalls. Applicant is proposing 260 parking spaces, and will increase general parking.
- Discusses circulation of the lot. States that it is safe, adequate, and efficient.
- Discusses the two different entrances of the lot.

Jennifer Little, Representative of Atlanti-Care

- Gives background of AtlantiCare and it's operations.
- Describes the Urgent Care facility proposed. Site will have an X-Ray and Lab services on site.
- 10 operating facilities in the area.
- 4,000 sq. ft. is a typical size for an Urgent Care facility.
 - Hours of Operation: 8:30am to 8:30pm, 7 days per week.
 - Notes that it is rare for an ambulance to come to an Urgent Care Facility.
- Drop-off area at site is not necessary.
- Site will accommodate a maximum of 5 employees, who will work 12 hour shifts each.
 - Peak Hours of Site: 8:30am-10am; 3pm-6pm.
- States that it is important to have facility in this location.
- Discusses deliveries to the office.
 - Office supplies will be delivered by UPS/Fed-Ex every other week.
 - Medical Waste will be picked up by a contractor once a month.
 - Regular waste will be picked up by a contractor once a week.

Joyce Glick, Representative of Baccharat Rehab

- Gives background of the site, physical rehab center. 1,500 sq. ft. is proposed for the site.
- Baccharat has 16 other locations on the site.
- States that the 1,500 sq. ft. of space is important to the operations.
- 1st floor accessibility is very significant to patients.
- Hours of Operation are from 8am to 4pm, Monday through Friday.
 - 3 nights a week, have evening hours until 7-8pm.

- Maximum of 4 employees on site at a time.
- No ambulances will go to site.
- Deliveries:
 - Linen Delivery will be 1-2 times per week via a Box Truck.
 - Other deliveries will just be office supplies.
- Mr. Alperin asks the maximum number of therapists on site? Ms. Glick responds that there will be 3, and one receptionists.

Nathan Mosley, Traffic Engineer:

- Previously accepted by the board as an expert witness.
- Discusses impacts on surrounding roadways of the site.
 - 13 trips generated during the AM.
 - 23 trips during pm hours. Most overlap between the site traffic and overlay between the three lots.
 - 20 trips during the weekend.
- No changes in levels of service at any location.
 - N. Locust avenue is currently at service level “B” will go to service level “C”
- Proposed use generates little additional traffic compared to other uses.
- Discusses FAR Ratio. States that there would be no impact on the other two sites in on-site circulation. .15 FAR is safe from a circulation standpoint.
- Adequate parking for the site.
- Mr. Lutner asks about the parking spaces and where they are? Mr. Mosley confirms the number of spaces, will add 14 to Lot 22, and 10 to overall lot itself. Spaces will be located in front of the building.
- Mr. Parikh asks about Handicapped spots. Mr. Mosley says there are three proposed currently, will address during site-plan review.
- Mr. Alperin asks if the 14 spaces will meet the demand of the site. Mr. Mosley says yes. Mr. Alperin asks if the lots contiguous? Mr. Del Duca says there has been an easement in place since the 1970s to allow for this. Mr. Wielcizko notes that the applicant is just giving a brief look into the site plan, formal site plan review will be presented at a later date, Applicant is only presenting issue with the FAR variance.

James Kyle, Planner:

- Gives qualifications, is accepted by board as an expert witness.
- Discusses the FAR variance. States that the site is suitable despite the increase in FAR.
- Parking is adequate for the FAR increase, and circulation will not create any issues. The site can be accommodated successfully.
- Site will promote public welfare. Site is an empty portion of the site, and underutilized. This project will transform the site. Hopefully this project will continue to improve the other areas of the property.

- Discusses negative criteria of the FAR variance. The small increase in FAR has no detriment to the surrounding areas. Minimum to no impact on the surrounding properties. Uses of the site are more suited to one story operations of the site.

Applicant ends formal testimony.

Leah Furey Bruder, Township Planner:

- Review letter dated October 2016.
- States that the applicant has applied for both the variance and the site plan. Applicant wanted to be heard tonight in regards to the FAR variance, will come back later for site-plan approval.
- Says that the site plan is currently being worked on.
- Feels comfortable that this FAR is appropriate and everything can be accommodated. Applicant has agreed to work with the N. Locust side of the site, and possibly align driveway with this site.

Stacey Arcari, Traffic Engineer:

- No formal review letter.
- Comments regarding circulation have been addressed.
- Questions regarding the Urgent Care facility. Applicant states there will be 5 patients per hour, and no medical testing at facility (ie. Bloodwork). Ms. Arcari asks if applicant is satisfied with 10 spaces for parking, applicant says yes.
- Questions Rehabilitation facility, in regards to number of employees. Applicant states 10 parking spaces would be adequate and ADA parking that would be provided is enough.
- Site will use approximately 20 spaces.

Chris Rehmann, Engineer:

- No formal review letter.
- No objection to the site or FAR variance.

Mr. Parikh asks Mr. Wieliczko to briefly summarize the application for members of the public.

Mr. Wieliczko Summary:

- 5500 sq. ft. building that will house an Urgent Care Facility and a Rehab facility.
- Applicant is requesting a D4 Floor Area Ratio Variance.
 - .25 is proposed where .15 is allowed.
- Applicant has testified it can accommodate the increased size of the site.
- Township Planner has no objection to the FAR.
- Traffic expert has worked with applicant to create a site plan that is appropriate.
- Zoning Board must have five affirmative votes to approve the plan.

Public Comment:

Francesco Martino, 2 Country Walk, Cherry Hill NJ

- Owner/Renter of a property at Plaza 70. States that there is a problem with parking at the corner. There are not enough parking spots to accommodate the restaurant and mortgage company already on site.

Rodger Parillo, 65 Rt. 70 East, Marlton NJ (Business Address)

- Owner of Franco's Restaurant, located in Plaza 70.
- Owned property for 22 years.
- States that there is a major problem with parking, and the area is very congested in specific area.
- Says that the proposed site will take up spots that are already at a premium.
- States that the tenant next door to Produce Junction is vacant, and if applicant had considered that location instead.

Ms. Furey Bruder asks if Mr. Parillo is more concerned about the distribution of parking or the number of parking spaces available? Mr. Parillo says he is more concerned about the distribution of spaces.

Board Comment:

- Mr. Alperin asks Ms. Bruder about how to manage congestion in certain areas of the center, and how to make a judgement on parking. Mr. Wieliczko asks if Mr. Alperin is persuaded in anyway, Mr. Alperin says no. Mr. Wieliczko responds that he has heard testimony with the traffic consultant, there are 22 more spaces than what is allowed on total site. Ms. Arcari notes that they will add parking towards Rt. 70 as well, which will be used for the new site itself, and not take away parking from Plaza 70. Mr. Parikh notes the site plan will address parking.
 - Mr. DelDuca states that the number of parking spaces and number of employees would be the same whether the building was one story or two stories.

Motion to Approve ZB 16-14:

Introduce: Wessner

Second: Rodgers

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

Public Comment: None

Board Comment: None

Communications/Organization:

Next Meeting: February 27th, 2017

Resolutions:

ZB 16-16

Motion: Amato

Second: Rodgers

Ayes: Alperin, Rodgers, Amato, Parikh

ZB 16-17

Motion: Amato

Second: Wessner

Ayes: Alperin, Rodgers, Amato, Wessner, Parikh

Meeting adjourned at 9:22pm.