

**TOWNSHIP OF EVESHAM**

**Zoning Board**

**Minutes**

**7:00 pm**

**April 16 2018**

**Municipal Building**

**Call to Order**

Chairman Parikh made the call to order at 7:03 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, Alperin, Lutner, Meyers, Osno, Shah

**Also Present:** Wieliczko, Lougney, Furey Bruder, Kinney, Bittner

**Absent:** Rodgers, Wessner, Hoyle, Arcari, Dariji

**Meeting Minutes:**

March 19, 2018

Motion: Meyers

Second: Parikh

Ayes: Alperin, Meyers, Parikh

**Continuation of Scheduled Matters:**

ZB 18-13: Kennelly, 15 Buckingham Road. Application has been moved to the May 7th meeting. No further notice is required.

**1. St. Joan of Arc Church. ZB 18-12. Annual Carnival**

*100 Willow Bend Road, Block 32, Lot 2 (MD Zone District)*

*Special permit pursuant to Code Section 160-11 to conduct annual Carnival from 8/20/18-8/25/18- (6:00pm- 11:00pm)*

**Witnesses:**

Dubravka Kolumbic, Co-chair

Robert Craig, Co-chair

**Exhibits:**

None

**Testimony:**

- Mr. Wieliczko asks if the carnival is from August 20th to August 25th (Monday to Saturday); 6-11pm.
- Applicants state that the carnival will have entertainment, food, rides and beer garden.

- Carnival will be staffed by off-duty Evesham Township Police Department officers.
- There will be 11-15 Police Officers per night.
- Applicant agrees to the Conditions of Approval:
  - Applicant will coordinate with the ETPD and ETPD.
  - Applicant will obtain state permits for the beer garden; and will be approved by the ETPD.
  - Applicant will secure all permits for games of chance.
  - Applicant will submit COI to Township and Solicitor.
- Applicant has no additional testimony. There are no changes from last year.

Board Comment: None

Public Comment: None

Motion to Approve ZB 18-12

Motion: Osno

Second: Alperin

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

**2. Prince of Peace Lutheran Church. ZB 18-02. ‘C’ Variance for Signage**

*61 Route 70 East, Block 4.05, Lot 1.04 (C-1/EVCO Zone District)*

*Applicant proposes to convert the existing manually changeable copy area to electronic sign area of 28.5 sq. ft.*

Witnesses:

Josh Groff, Attorney

Brett Ballenger, Pastor

Bruce Easterly, Church Member/Engineer

Michelle Taylor, Church Member/Planner

Exhibits:

E1: Blow up portion of minor site plan.

E2: Photograph of sign.

E3: Proposed rendering of sign (Dated 12-16-17).

E4: Aerial photo of site and surrounding area.

Applicant Overview:

- Applicant is looking to convert manual copy sign to electronic sign.
- Applicant is requesting two variances regarding the electronic signage, and to permit the sign in the location, as it is not on the applicant’s property.

Brett Ballenger Testimony:

- Gives background and purpose of the Prince of Peace Church.
- Up to 30 groups use building; food pantry home to 15-30 families.

- Change sign: make it easily changeable; greater appeal to community and foster “community spirit.”

Bruce Easterly Testimony:

- Gives background and qualifications; accepted as witness.
- Goes over site plan proposal; orients board to site/sign location.
- Current sign: 50 sq. ft.
  - 9 ft. by 3 ½ ft tall: letter signage portion.
- Sign sits in right-of-way: Church pays NJDOT annually.
- Shows board new submitted sign.
  - Keep pillars.
  - Upgrade with LED display; programmable from office; change intensity of light for motorists.
- Signage dimensions: same as current signs.
  - Mr. Parikh asks if they have NJDOT Approval.

Michelle Taylor Testimony:

- Gives qualifications; accepted as expert witness.
- Shows board site and proposed location. Sign is located in the C-1 zone which backs into the C-3 zone. Location is in the Evesham Crossroads Overlay District. Notes the homes along Cooper Avenue.
- Sign is 28.5 sq. ft. where 16 sq. ft. is permitted.
- Sign will change copy approximately once per week; could possibly be changed up to once per day. However, it will not be changed more than once per day.
- Sign size: gives viewers/motorists time to properly and safely see sign. Applicant has permit from NJDOT.
- Positive criteria satisfied: benefits the purpose of zoning. Suited for location and sign.
- Ordinance permits electronic changes to sign copy.
- Will now cause glare/sign can be managed to avoid this.
- No detriment to zoning plan or zoning ordinance.

*Applicant ends formal testimony.*

Leah Furey Bruder, Township Planner:

- Review letter dated February 5, 2018
- Variances for size of changeable copy and location.
- Township addresses electronic/changeable copy signs. This is permitted for churches and other such institutional uses.
- Talks about purpose and how churches can be in any zone.
- Notes the location of sign and the change of sign. States that applicant is just updating; no problems from planning standpoint.
- Changing copy once per day is acceptable.
- Applicant already has DOT Approval: have permit to be 30 ft from right away.

**Board Comment:** None \_

**Public Comment:**

Amer Syed, 2 Carrington Way

- Asks if sign is waterproof and if sign could be hacked? Applicant says the sign is waterproof and on a secure connection.

Board Attorney Summary:

- Two Variances:
  - Change copy from manual to LED signage.
  - 28.5 sq. ft. where 16 sq. ft. is required.
- Board has heard off-site nature of the sign. Heard testimony about buffer area and the approval/permits received from DOT.

Motion to Approve ZB 18-02

Motion: Alperin

Second: Osno

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

3. **Amer Syed. ZB 18-09**

*2 Carrington Way, Block 15.19, Lot 2 (MD Zone District)*

*Applicant proposes a 6' fence in a front yard where 4' is required.*

Witnesses:

Amer Syed, Applicant

Exhibits:

None

Applicant Overview:

- Applicant is seeking a 6 ft. privacy fence in front yard where 4 ft. is required.
- Property is located on a corner lot. Side yard faces Sharp Road, and front yard faces Carrington Way.
- Variance relates to the fence on the Sharp Road portion.
- Received approval from HOA; who noted applicant needed approval from Township.
- Fencing is consistent with others in the neighborhood; fence will not reduce any site lines.
- Mr. Parikh asks if the material will be vinyl or wood? Mr. Syed responds wood. Mr. Wieliczko asks the color of the fence? Mr. Syed says white. Mr. Osno asks about the other colors; Mr. Syed says that it varies.

**Board Comment:** None

**Public Comment:** None

Board Attorney Summary:

- Applicant sent application from HOA (approved color/materials). Noted that they needed Township Approval.
- Applicant has noted the fence is a necessity due to corner road, and as side yard is viewed as a front yard.
- Back of the fence will be 6ft; the entire fence will be 6 ft.

Motion to Approve ZB 18-09:

Motion: Meyers

Second: Lutner

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

4. **Dennis & Regina Mehigan. ZB 18-10.**

*5 Normandy Road, Block 11.31, Lot 6 (MD Zone District)*

*Applicant is proposing a 1,182 sq. ft. pool with a rear setback of 5' and side setback of 10' where 15' is required and side setback of 10' for pool equipment where 15' is required.*

Witnesses:

Dennis/Regina Mehigan, Applicant

Exhibits:

None

Applicant Overview:

- Applicant is looking to build an inground pool.
- Three Variances Required to construct 1,182 sq. ft. pool
  - 5 ft. rear yard setback when 15 ft. is required.
  - 10 ft from north side lot where 15 ft is required.
  - 10 ft for pool equipment setback where 15 ft is required.
- Property is adjacent to open space; no impact on neighboring residents.
- Applicant gives testimony regarding irregular shaped lot; requires the set back variance in order to fit; location of the pool necessary due to house.
- Received Board Engineer Letter. Discusses the disposal method of the backwash; cartridge filter will be used, so no backwash.
- All debris of paver patio will be disposed.
- Any curb or sidewalk cracks will be fixed.
- No adverse drainage impacts to property or on neighboring properties.
- Neighbor support; have six kids who will all use the pool.

*Applicant ends formal testimony.*

Bill Loughney, Board Engineer

- States that if pool is moved to the South or Southwest portion of the property to obtain the 15 ft minimum then it would destroy the tree that presently exists.
- Has no objection with the 5 ft rear yard setback due to open field in back.

- If no objection from the neighbors or the board, then he finds the application acceptable.

**Board Comment:**None

**Public Comment:** None

Board Attorney Summary:

- Applicant is requesting 3 variances to construct an inground pool as outlined in previous testimony.
- Applicant has agreed to various Conditions of Approval.
- Applicant has provided testimony regarding the placement of the pool. If applicant complied, they would damage an existing tree.
- Applicant agrees as Condition of Approval that the installation of the pool will not impact the drainage of neighbors.

Motion to Approve ZB 18-10

Motion: Alperin

Second: Shah

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

**5. Seth Pearl. ZB 18-14.**

*71 Isabelle Court, Block 15.16, Lot 39 (LD Zone District). Applicant is proposing a 6' fence in a buffer area.*

Witnesses:

Seth Pearl, Applicant

Exhibits: None

Applicant Testimony:

- Applicant would like to construct a rear yard fence which encroaches upon 25 ft. buffer area.
- Applicant received the April 9, 2018 Community Development letter from Township Planner, Leah Furey Bruder.
- Applicant owns and resides at property on Isabelle Court. Proposal of 6 ft. fence is to enclosure property.
- The 25 ft space is in the perimeter buffer. Neighboring property is open space owned by the Legacy Oaks Community Association.
- Ms. Furey Bruder notes that this permitter buffer issue was brought up during the approval of the original project. States that applicant said it was way to keep the buffer.
- Applicant notes that there is no substantial detriment to approving the fence.
- HOA letter indicates that proposal to install the fence is acceptable with Township Approval.
- Applicant agrees as Condition of Approval that the fencing will be consistent in style and color with other units in area.

- Applicant discusses the justification for the fence. States that the current area is not large enough to accommodate his dog and his daughter to play. Applicant will use a white/vinyl fence which is the only type permitted by the HOA.

**Board Comment:**

- Mr. Osno asks if the fence is all the same? Mr. Pearl says some neighbors have designs, but he wants to construct a plain white fence.
- Mr. Alperin asks for clarification regarding the buffer. Notes that there is in total a 50 ft buffer. 25 ft is on property, and 25 ft will exist behind the fence. Mr. Wieliczko notes that it was anticipated at time of development approval of application; that the homeowners would have to come to Zoning Board for approval on any projects that infringed upon the buffer.
- Mr. Lutner asks if Mr. Pearl owns property? Mr. Wieliczko and Mr. Pearl responds that yes, it is his property.
- Mr. Osno asks if all the fences go back the same amount? Mr. Pearl says no, some homeowners have a further fence line. He just is locating his in the buffer zone.

**Public Comment:** None

Board Attorney Summary:

- Applicant is requesting a bulk variance to permit a 6 ft fence in the 25 ft buffer area. Board has heard testimony regarding the justification of the fence.
- Board planner letter notes there is no detriment to this project.

Motion to Approve ZB 18-14

Motion: Alperin

Second: Osno

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

**Board Comment: None**

**Public Comment: None**

**Resolutions:**

ZB 18-04:

Motion: Lutner

Second: Osno

Ayes: Alperin, Lutner, Meyers, Osno, Shah

ZB 18-05:

Motion: Meyers

Second: Shah

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

ZB 18-06:

Motion: Osno

Second: Meyers

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

ZB 18-07:

Motion: Shah

Second: Osno

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

ZB 18-08:

Motion: Osno

Second: Meyers

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

**Communications/Organization:**

Next Meeting(s): May 7, 2018, June 18, 2018

Ms. Kinney asks that if you cannot make the meetings, to let her know prior.

**Meeting adjourned at 8:04pm.**