

**TOWNSHIP OF EVESHAM**

**Zoning Board**

**Minutes**

**7:00 pm**

**May 7 2018**

**Municipal Building**

**Call to Order**

Chairman Parikh made the call to order at 7:15 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, Alperin, Lutner, Meyers, Hoyle, Osno

**Also Present:** Diamantis, Rehmann, Furey Bruder, Dariji Kinney, Bittner

**Absent:** Wessner, Shah, Wileiczko

**Meeting Minutes:**

*Minutes from the April 16th meeting will be tabled until the June 18th meeting.*

**Continuation of Scheduled Matters**

ZB 18-15 Pantle, 44 Kent Avenue will be moved to the June 18th Meeting. No further notice is required.

**1. Tim Kennelly, ZB 18-13.**

*15 Buckingham Rd., Block 27.14, Lot 18 (MD Zone District)*

*Applicant is seeking a side yard setback for garage/awning of 1.5" where 5' is required, a side yard setback for a shed of 3'6" and a rear yard setback of 3'4" where 5' is required.*

**Witnesses:**

Tim Kennelly, Applicant

**Exhibits:**

None

**Public Comment:** None

**Board Comment:** None

**Board Attorney Summary:**

- Applicant is proposing a side yard setback of 1.5" where 5" is required for garage/awning.
- Applicant is proposing another side yard setback of 3'6" and rear yard setback of 3'4" for shed.

- Applicant has noted the pre-existing conditions on the site. Notes that it is the same/size and footprint of the previous structures. Applicant was not aware he was not in conformance.

Motion to Approve ZB 18-13

Motion: Rodgers

Second: Osno

Ayes: Alperin, Hoyle, Meyers, Rodgers, Osno, Parikh

**2. Jeremy Judernatz, ZB 18-17**

*114 Quarterhouse Ct., Block 11.42, Lot 8 (MD Zone District)*

*Applicant is proposing patio/pavilion with a side yard setback 3' where 5' is required and a rear yard setback of 3' where 12'5" is required.*

Witnesses

Jeremy Judernatz, Homeowner/Applicant

Exhibits: None

Jeremy Judernatz Testimony:

- Proposes a patio/pavilion with a side yard setback of 3' where 5' is required.
- Open space to Evesboro-Medford Road (rear yard setback of 3' where 12.5' is required)
- Proposes an 18x 18 pavilion
- Applicant has shown plan to neighbors. Notes he is not going beyond property with open space in the back.
- Discusses the Existing Conditions: 2006 a patio was installed. Discusses the removal for new pavers that will be all concrete.
- States that there will be 150 ft. from fence and Evesboro-Medford Road.
- Pavilion will be used as a bar, entertainment wall with TV and speakers; patios for seating, and hot tub will be 5' from fence.
- Board attorney asks if there are any conditions on property that board should no about? Applicant responds no.
- Board attorney asks if the project would adversely impact neighbors? Applicant says no, no known flooding issues.

Public Comment: None

Board Comment: None

**Board Attorney Summary:**

- Applicant proposes a patio/pavilion in rear yard.
- Side yard setback of 3' where 5' is required.
- Rear yard setback of 3' where 12.5" is required.
- Heard application: will not adversely impact surrounding properties.

Motion to Approve ZB 18-17

Motion: Alperin

Second: Hoyle

Ayes: Alperin, Hoyle, Meyers, Rodgers, Osno, Parikh

**3. 28 North Maple LLC. ZB 18-18. D(4) Variance (Far)/Minor Site Plan.**

*26 & 28 North Maple Ave., Block 4.02, Lot 2.01 (C-3 Zone District)*

*Applicant proposes to construct a 389 sq. ft. addition increasing the Floor Area Ratio from .293 to .355 where .20 is permitted*

*Joshua Steinberg, Attorney for Applicant*

Witnesses

- Christopher Brown
- Tamara Rudow, Attorney

Exhibits:

A1: Rendering of Maple Avenue elevation and parking lot elevations.

Applicant Testimony:

- Site located at 28 N. Maple Avenue. Applicant is proposing to keep existing structures but tie buildings together with addition in the middle.
- Notes access to the rear of the building and left of the building.
- Property was rehabilitated in 2013 by the Historic Preservation Committee.
  - Facade of building will match with historic elements.
- Describes materials/colors/windows used.
- Stay consistent with the area: will keep look that is currently in place.
- Building combined will be 4800 sq. ft. approximately.
- Discusses F.A.R Ratio
  - Pre-existing: 29%, 35.5% proposed where 20% is permitted.
- Proposal to connect two buildings.
- 17 Parking spaces will be proposed which is compliant.

*Applicant ends formal testimony.*

Leah Furey, Township Planner

- Review letter dated April 27th, 2018.
- Discusses the project and the proposal to build a connector between the two buildings. Notes that this is not common in Marlton, but has seen this before in Haddon Heights.
- FAR in C-3 Zone District: idea of all usable floor area.
- Property is located in the rehabilitation area: underlying zoning will take into priority.
- Notes that the property is consistent with redevelopment and meets the intent of enhancing the downtown area, and preserving the historical nature of the property.
- Applicant agrees to all comments/questions contained in review letter.

Public Comment: None

Board Comment: None

**Board Attorney Summary:**

- Applicant proposes 389 sq. ft. addition
- FAR increases from 29.3% to 35.5% where 20% is permitted.
- Addition meets intent of zoning ordinance; meets character and intent.

Motion to Approve ZB 18-18

Motion: Rodgers

Second: Alperin

Ayes: Alperin, Hoyle, Meyers, Rodgers, Osno, Parikh

*Meeting paused at 7:30pm. Resumes at 7:42pm. Mr. Shah arrives for application ZB 18-13. Mr. Parikh, Ms. Hoyle, and Mr. Rodgers step down due to conflict. There is a motion to nominate Mr. Alperin for vice-chair for the next application only.*

*Motion: Rodgers*

*Second: Meyers*

*Ayes: (All Approved via poll vote).*

**4. Evesham Celebrations Foundation, ZB 18-13**

*Main Street- Authorization pursuant to Chapter 16-11.*

*Public events being held on Main Street for 2018.*

Witnesses:

- Jay Parikh, ECF Member

Exhibits:

None

ECF Testimony:

- Application regarding the use of Main Street for Specific Dates (Township Special Events). Taste of Evesham; May 20th; Independence Day Festivities; July 4th; Harvest Fest; September 29th, Turkey Trot November 22nd. Notes the Marlton Business Association will also be holding Marlton Day on June 9th.
- Festivities are held on main street.
- Events are similar to previous years; same attendees; all notifications sent to the police department; no additional liquor sales; same times; and no more events added with liquor.

Public Comment: None

Board Comment:

Mr. Meyers asks if the rain date for the Independence Day Activities would be July 5th?

Applicant responded affirmatively.

**Board Attorney Summary:**

- Application is for the Evesham Celebrations Foundation: 160 11 B; permits various public events.
- Testimony was received; it will be similar to last year and previous years events.

Motion to Approve ZB 18-13

Motion: Meyers

Second: Shah

Ayes: Meyers, Osno, Shah, Alperin

*Mr. Shah leaves at 7:47pm. Meeting pauses at 7:47pm; resumes at 7:50pm.*

**5. VRI-W/J&J- Voorhees II LLC. ZB 18-11. Minor Subdivision/Major Site Plan-Prel/Final Conditional Use Variance**

*995 Route 73, BL 36, Lots 11,12,13,14 (Evesham). Bl 220, Lots 9,10,11,12,14 (Voorhees)  
Applicant is proposing Retail/Convenience Store w/Gas.*

*19,097 sq. ft. retail building on 3.41 acre lot (2.83 acres in Voorhees, **0.58 acres in Evesham**)*

*5,585 sq. ft. retail bldg & separate fueling station consisting of (8) individual multi-product dispensers & 16 fueling stations under an overhead canopy on a 1.96 acre lot. (1.66 acres in Voorhees, **0.30 acres in Evesham**)*

*Timothy M. Prime, Attorney for Applicant*

Witnesses:

- Pam Pellegrini, Engineer
- Nicholas Aiello, Traffic Engineer
- Kate Keller, Planner
- Kristen Ritz, Engineer with Wawa

Exhibits:

A1: Rendered site plan.

A2: Wawa use and operations statement.

A3: Tractor Supply Company Use and Operations Statement

A4: Proposed Architectural review of Wawa

A5: Proposed Architectural review of Tractor Supply Company.

A6: Sign Detail. Sheet of Wawa

A7: Concept Plan.

O1: Photos of tractor trailers by objector.

O2: Photos of trailers by objector in Southampton.

O2: Series of Photographs

*Ms. Walters, Board Attorney notes her appearance. She states that she is also the Voorhees Planning Board Attorney, and the Evesham Zoning Board Alternate Attorney. To maintain consistency, she will be overseeing this application as well. States that the applicant is*

*seeking a D3 Conditional Use Variance, which requires 5 affirmative votes. As there are 6 members, the applicant can proceed.*

*Mr. Parikh notes that the meeting must stop at 11pm. Mr. Prime notes that he has sent notifications to both newspapers in Voorhees and Evesham.*

Board Attorney Overview:

- Application is located on a small portion in Evesham Township.
- Block 36, Lots 11,12,13,14: will consolidate these and combine with Voorhee Township, and subdivide.
- Proposed project includes a Tractor Supply Store and a Wawa with convenience store.
- Applicant is seeking a Bulk “C” Variance and Conditional Use Variance; which is why they are in front of Zoning Board.
- New Wawa: 5,575 sq. ft.
- Tractor Supply Store: 19,000 sq. ft. with three outside display areas.
- Tractor Store: sells supplies (farm/ranch equipment); feeds; etc. Operates normal retail hours. 9am-7pm (Sunday); 8am-8pm (Monday-Saturday). Hours of operation may be later during the summer.
- Discusses the Conditional Use Variance.
  - Discusses the term “Service Station” as written in the Evesham Township Zoning Ordinance. Notes that this is synonymous with a convenience store (store and gas); no car repair is proposed.
  - Applicant complies with uses except to minimum landscaping buffer. Cannot meet minimum lot size of 2 acres when in Evesham Property, because the site is less than an acre in Evesham Township.
  - Variances needed as the site is split between two municipalities.
- Site includes extensive traffic improvements proposed.
- Ordinance does not allow service station within 500 ft of playground/firehouse. Area is within 500 ft: Nursery School/Church. It is not within 2,000 ft. of other service station. Notes that the courts have ruled that you cannot exclude use because of proximity/use to other conditional uses. Sites the Covington Square Case.
- Discusses architectural design of the Wawa and Tractor Supply Store.
  - Most of the site is located in Voorhees; no suggestion by them to change the architecture. This includes lighting. Notes the traffic display, includes no foundation plantings.
  - Wawa site has bollards and finished curbs.
  - Waiver request of Phase 1 ERI/Cultural Resource Survey in Evesham.
- Discusses Signage.
  - Wawa Signage: standard of other stores.
  - 20 ft. high according to ordinance; center line of Route 73; will make it 22 ft. high. Sign will be revised to be 18 ft as to net 22 ft. from the center line.

Mr. Sobel is present as an objector, and would like to cross-examine the Applicant’s witnesses. Ms. Walters discusses how to proceed.

Pam Pellegrini Testimony:

- Gives qualifications as engineer; accepted as expert witness by the Board.
- Minor Subdivision Proposed: one lot is part of the TD Bank Site (Lots 11,12, and 13 combined).
  - Site wraps around TD Bank lot; contains massive traffic improvements.
- Total area of site 5.3 Acres
  - Tractor Supply Store: 3.23 Acres.
  - Wawa: 2.14 acres: 16,2019 sq. ft. (less than minimum 20,000 square feet).
  - Overall well above requirements; just won't meet the minimum requirements in Evesham.
- C-1 District in Evesham/Major-Business District in Voorhees
  - Tractor Supply is permitted use; Wawa is conditional use. Both uses are permitted in Voorhees.
- Wawa will be canopy with fueling station
- Both sites contain stormwater management/specified loading areas.
- Tractor Supply Store: only part of parking lot/front buffer in Evesham Township.
- Minor Canopy/Front Drive Aisle of Wawa located in Evesham.
- 1 Proposed right in; right out: for both uses and the TD Bank.
- Site overall: irregularly shaped. Makes difficult to meet bulk variances.
- Applicant is proposing shared access services.
- Applicant will provide buffering; pedestrian access on Route 73.
- Agree with Board planner/engineer's reports with few exceptions.
- Discusses the variance for canopy needed.
- Discusses impervious coverage variance due to site configuration.
- Wawa sign setback: is less than 10 ft. due to sign structure.
- Discusses parking variance: overall additional (cross-easement access).
- Ms. Walters asks to clarify the number of spaces.
  - Tractor Supply Store: 70 Spaces
  - Wawa: 50 spaces/28 required.
- Notes that minor subdivision goes along shared access driveway.

*Mr. Sobel (Objector) Cross-Testimony of Ms. Pellegrini:*

- *Asks about parking spaces: Ms. Pellegrini responds that there are 70 spaces proposed.*
- *Asks about storage spaces/other uses in the Tractor Supply Store (beyond just parking). Ms. Pellegrini says not to her knowledge.*
- *Discusses Southampton Site (Tractor Supply Store) and parking spots.*
- *Asks if Ms. Pellegrini visited other tractor supply stores? She responds yes. Notes which areas she went too, states she did not notice anything parked on the lots.*
- *Asks if she noticed any sites with hay? Ms. Pellegrini responds that she did not.*
- *Asks about the 50 Wawa Parking Spaces? And if there are any to accommodate large vehicles? Ms. Pellegrini responds no. States that it is*

*a problem for Wawa to manage. Notes that the site is large for larger vehicles to park if need be.*

- *Asks if there is nobody to address Tractor Supply Store issues. Ms. Pellegrini responds no.*
- *Asks about the location of the buffer. Ms. Pellegrini discusses the buffer, location, size, and landscaping.*
- *Asks about waivers? Ms. Pellegrini responds about the Evesham Township Waivers. Mr. Dariji also answers this question as well.*
- *Mr. Prime notes that the application is about Evesham. Asks the objector's questions are limited too the Evesham Township parcel.*
- *Mr. Sobel asks if the waivers were requested to Voorhees Township? Ms. Walters responds.*
- *Asks about stormwater management system? Ms. Pellegrini responds a majority is in Voorhees. There is a small underground portion in Evesham Township. Applicant has agreed to comply with comments from Board Engineer. Stormwater will be located under the parking areas.*
- *Ms. Walters asks who took the photographs presented by the objector? Mr. Sobel states he received it from Mr. Kevin McFadden, at 213 Lakeshore Drive. Mr. McFadden confirms to the board that he indeed took the photographs, and it is his handwriting on the exhibits.*
  
- *Ms. Hoyle asks Mr. Sobel if he knows how long truck was parked there in the picture, and if it could be a result of a snow storm? Mr. Sobel responds that every unit has one trailer in storage capacity on site. Ms. Walters asks Mr. Sobel if he ever asked anyone at the Tractor Supply store about the on-site tractors? He replies no.*
- *Mr. Sobel notes that there is hay all over. Ms. Hoyle asks about the selling of hay? Mr. Parikh says the store has selling of animal products/could be hay. This would not require regulation.*

#### Nicholas Aiello, Testimony

- Gives qualifications, accepted as expert witness by the board.
- Discusses traffic for the proposed project, and the improvements made on Kresson Road.
- Mentions NJ DOT and a major access application currently being submitted.
- Discusses existing conditions on site.
- Talks about the proposed traffic and improvement plans.
- Proposal to widen Kresson Road for left hand turn; extend merge to 200 ft. Will also place a warning beacon for merge sign. Also will install a 5 ft buffer area.
- Application meets NJ DOT requirements.
- Applicant will apply for Title 39 on Kresson Road.
- Only Evesham issue with traffic will be the right-in/right-out on Route 73. Discussed other improvements for board's knowledge.

*Mr. Sobel (Objector) Cross Testimony of Mr. Aiello*



- *Asks if Mr. Aiello provided the traffic impact study to the board? Mr. Aiello responds yes. Mr. Sobel asks about the 9th vs. 10th edition of the ITE (the trip generation guidelines). Mr. Aiello provides testimony regarding NJ DOT, and the various requirements.*
- *Mr. Sobel asks about trip generations? Mr. Aiello responds. States that there is no significant change in study.*
- *Mr. Sobel asks if they performed traffic counts at TD Bank? Mr. Aiello responds affirmatively. Mr. Sobel asks when he performed traffic studies at TD Bank? Mr. Parikh asks if this is all regarding Voorhees Township? Mr. Parikh says to not repeat questions given to the Voorhees Planning Board. Mr. Sobel states that TD Bank is located in Evesham. Ms. Walters says Mr. Sobel is asking about a question in the Voorhees portion of the site, not the Route 73 portion.*
- *Mr. Sobel asks about the time frame of the trip generation study was not done when TD bank opens? Mr. Aiello says they looked at the critical peak hours on the road.*
- *Mr. Sobel asks about accidents? Mr. Aiello states that there have been 39 reportable accidents along Kresson Road in three years.*
- *Mr. Sobel asks about the green light at Kresson Road and Rt. 73? Ms. Walters states that this was talked about in Voorhees extensively. Mr. Sobel asks about making a left turn, light, etc. Asks how applicant knows the speed is reduced? Discussion ensues.*

Kate Keller Testimony:

- Gives qualifications; accepted as expert witness in Planning.
  - Ms. Walters notes that Ms. Keller was not the planner present at the Voorhees Planning Board. Mr. Sobel asked if she has ever testified for the Tractor Supply Company? Ms. Keller responds no. Mr. Sobel asks if she has testified about Wawa? Ms. Keller responds that she has, numerous times.
- Discusses the Wawa site and service station.
  - Not typical service station: fully permitted use in C-1 Zone.
- Discusses other issues and unique layout of site. Site is located in two municipalities, which creates hardships and other issues.
- Discusses other issues:
  - Design standards of both municipalities.
  - Reduced building envelope overall.
  - Create a balance to meet intent of both municipal ordinances.
- Discusses minimum lot size and other ordinances.
  - Minimum lot size required: 20,000 sq. ft. Whole site is greater than this. But in Evesham lot, is smaller.
  - Discusses the landscaped 25% front yard.
  - Discusses that Canopy is required to be at 40 ft; proposed 39 ft.
  - Discusses the proximity requirement of the church and preschool.
- Discusses the D-3 Variances.

- Must show that site can accommodate proposed use and have no negative impacts. Must analyze the entire site.
- Site is an appropriate type of use according to the ordinances outlined.
- Discusses the proximity requirement; in case law there is no rationale/standard for this.
- Discusses the Canopy dimensions.
- Discusses the negative criteria:
  - No detriment to surrounding uses.
  - Wawa: mitigate impacts form proximity.
- Notes the uses are also permitted in Voorhees Township.
- Discusses the various “C” Variances.
- Ms. Walters asks if the lot size variance/set-back are conditions of the conditional use? Discussion ensues regarding the side yard and front yard setbacks.
- Discusses impervious coverage
  - Tractor Supply Store: 72.6% where 50% required.
  - Wawa: 78.4% where 55% required.
- Discusses Wawa Loading Zone: additional landscaping to be placed in loading zone to better shield the zone.
- Discusses sign variances:
  - Reduce height of sign
  - Setback: 10 ft required (2 ½ feet proposed)
    - Benefits outweigh detriments.

*Mr. Sobel (Objector) asks the following:*

- *Asks if the plan was designed to meet both requirements in Voorhees and Evesham Townships? Or at least come close. Notes that Voorhees has 22 variances and design waivers as testified by Ms. Keller’s Colleague.*

*Applicant Ends Formal Testimony.*

Leah Furey Bruder, Township Planner

- Review letter dated May 7, 2018.
- Provides overview for the Board. Applicant has explained portion of property in Evesham, as well as overall site in Voorhees.
- Notes that she focused on issues relating to the frontage in Evesham Township.
- Discusses the D-3 Variance Requirements.
  - Set aside issues of municipal boundary with minimum lot sizes. States that applicant has addressed the proximity standards; which are old. States the 39 ft. canopy where 40 ft is required is diminimous.
- Discusses landscaping. Notes that they cannot meet the 25% of front yard due to configuration. However, would like applicant to include more landscaping.
- Talks about the burden of proof: site can accommodate use despite issues.
- Talks about other variances requested.
  - Perimeter buffer in front; most concerned about this.

- Minor subdivision: applicant has agreed to get the numbers by the tax assessor's office to record plat.
- Discusses architecture.
- Applicant has agreed that all roof mounted equipment will be shielded.
- Asks if applicant can increase landscaping in front yard buffer. Applicant agrees to work with Ms. Furey and Mr. Dariji regarding this.
- Discusses the loading area: applicant will agree that no crates/pallets will be stored outside.
- Discusses lighting.
- Discusses trash enclosures. Applicant agrees that the dumpster will stay inside the trash enclosure.
- Discusses signage:
  - Tractor Supply Sign (20 ft. tall): complies. Discusses the brick/stone veneer to complement frontage. Discussion ensues about the materials used for the sign.
- Notes that applicant will comply with illumination.
- Discusses variance for the Wawa setback/signage.

Rakesh Dariji, Township Traffic Engineer

- Review letter dated May 3rd, 2018.
- Gives background of project; notes that he is also the Board Engineer for Voorhees Township. He is involved with Voorhees applications.
- Asks applicant if there are any items in the review letter that they do not comply with?
  - Discuss Landscaping that does not match up; asking for waivers. Mr. Dariji asks applicant to try to fit in everything. Applicant agrees to work together to fit landscaping in. Evesham. Mr. Dariji believes that applicant can add more landscaping. Applicant agrees to work together along frontage in Evesham Township.
- Ms. Walters notes that on pg. 65, he talks about the perimeter buffer. Just is asking for clarification where they are referring too with landscaping and design. Applicant and Mr. Dariji clarify.
- Mr. Dariji discusses the traffic in Evesham Township as the right-in/right-out on Route 73. Discusses the NJDOT requirement and that it is the only portion that can be analyzed for the Evesham Zoning Board.
- No further comments.

*Meeting pauses at 9:48 pm for short recess. Resumes at 9:55pm.*

**Public Comment**

Kevin McFadden, 213 Lakeshore Drive, Marlton NJ

- Discusses safety issues at site.
- Notes that he owns property on Braddock Mill and Kennilworth Roads. Notes that the property is located at the bottom of the hill, and often flooded.
- Discusses ordinance requirement regarding no gas stations within 500 ft. of any schools.

- Asks if anyone would know what the blast radius is? How far is it, and how it can be avoided?
- Asks why there is a request for a waiver of the environmental study? Asks where the water is going to go?
  - Ms. Walters replies that there are two underground stormwater management basins on site.
  - Mr. Dariji states that it is a requirement for stormwater management to after the development is built; reduce the 100 year design storm. Notes that runoff is mean to be reduced. It will not be more than what is currently present. Discussion ensues about pipes and waterfall. Ms. Walters talks about requirements; etc.
- Asks Mr. Aiello that if between January 20th and February 8th if pedestrian and bike counts were taken between this time? Mr. Aiello responds that they installed an automatic traffic recorded and also conducted manual vision counts. Mr. Aiello responds that they did count cars in February. Mr. McFadden asks if the car counts in February were less than the cars in springtime? Mr. Aiello responds they took counts during when school was in session, which is why it was done during that time period. Mr. McFadden states that between 7-9am and 4-6pm that school is in session near property; and if Mr. Aiello took them into consideration. Mr. Aiello responds affirmatively. States that counts were taken during all times of the day with the automatic counter.
- Asks if the bike land will be expanded? Ms. Walters states that this can be asked at the Voorhees Planning Board meeting, and that Mr. Prime can object to questions. She also notes that the questions remain focused on the Evesham Township lot. Mr. McFadden notes that he is concerned about kids in both towns; notes that the proximity ordinance is law. Ms. Walters notes that the proximity requirement has been deemed by the courts as unenforceable. This would supercede the Board's ruling.
- Notes that he visited the Tractor Supply store facility. Notes that there is an "open aisle of poisons." Mr. Parikh notes that this is an operational issue for the Voorhees Township Planning Board. The Evesham board received the operations just as a courtesy.
- Concerned with the safety of children and wants to speak his peace.
- Discusses operation of the tractor supply store. Notes that there is food placed outside; cars parked outside spaces; and pallets stored as high as the roof. Notes that this is a perfect storm for rats/raccoons/possums and skunks. States that if the rats come, which they will, the store will poison the rats, who will eat the poison and become disillusioned and start biting children, and hurting people.
- Talks about traffic on Braddock Mill Road. Notes that there are no improvements made to Braddock Mill.
- Mr. Parikh notes that they cannot enforce the site issues in Voorhees. Ms. Walters talks to Mr. McFadden about the next upcoming Voorhees Planning Board meeting to relay his concerns.
- Mr. Alperin asks about what the Zoning Board can specifically oversee?
  - Ms. Walters answers. She states that the tractor supply store is permitted by ordinance. Mr. Alperin asks if the health issues raised up only impacts

Voorhees? Ms. Walters responds that they should look at the overall deviation of the conditions. Ms. Furey contributes to discussion, notes that they should look at what is pertained to the Evesham lot.

- Mr. McFadden states that if the board does not feel the intersection is not safe, do they have an option. Ms. Walters says no, and notes what the board can look into or vote upon.
- Asks who the parking impact? Ms. Walters responds regarding the bulk variance, and the property is not all in Evesham. The Bulk Variance is a result of the municipal border. Mr. Walters notes that the board can vote no if they can justify that the variances will negatively impact the town.
- Mr. McFadden notes that in his humble opinion that he would not put name on something that would harm the children; people in cars, and families. States that if you put your name on this; he cannot help anymore. Notes that he is ultimately concerned about the children, pedestrians, and bicyclists.

#### Carolyn Marshall, 261 Tomlinson Mill Road

- Notes that she has concerns about the gas station and the stormwater basin. Is unsure where the existing system goes. Notes the surrounding area.
- Concerns about the gas station and dripping petroleum that could go into ground water, lakes, streams, etc.
- Notes that the water table is extremely high. Discusses about water table and wells.
- Concern about water, drainage, contamination of groundwater.
- Other concerns are more cosmetic (canopy lighting, etc). Mr. Parikh informs Ms. Marshall that she should bring these concerns up to the Voorhees Planning Board. Ms. Marshall asks if there is a lighting variance? Ms. Walters says in Voorhees yes, but in Evesham no.

Mr. Prime notes that he would like to offer testimony that there will be no groundwater pollution from wawa, and that the applicant will meet all DEP requirements, which are strict. Ms. Pellegrini notes that Wawa is under strict environmental conditions; talks about run-off systems/DEP Requirements. Mr. Dariji also talks about stormwater management. Discussion ensues.

#### **Board Comment**

Mr. Alperin states that he is concerned by the health/safety issues, but board is restricted in options. States he assumes these issues will be brought to the Voorhees Planning Board? Ms. Walters replies yes, there will be a meeting this Wednesday with significant public comment.

#### **Board Attorney Summary:**

- Application is Block 36, Lot 11,12, 13, 14.
- Minor subdivision of lots 11, 12, 13.
- Applicant is seeking preliminary and final major site plan approval for portions of the site in Evesham Township.

- Discusses the conditional use standards: proximity variance; canopy; right-of-way; 25% landscaping in front yard.
- Wawa Site: Bulk (Lot depth, front yard setback, front yard parking setback; side yard parking setback; impervious coverage; minimum perimeter buffer; setback of freestanding signs.
- Discusses variances of the Tractor supply company.
- Board has heard testimony regarding the C-2 criteria and testimony on the D-3 Variances. Notes the Coventry Square Case and the burden of proof providing positive/negative criteria.
- Notes that the board should decide whether or not the site can accommodate use without substantial detriment to public good.
- Use is permitted as long as conditions are met.
- Board will bi-fracate vote for the conditional use and bulk variances.

Motion to Approve D-3 Conditional Use Variance

Motion: Rodgers

Second: Hoyle

Ayes: Alperin, Hoyle, Meyers, Rodgers, Osno, Parikh

Motion to Approve Minor Subdivision/Prelim and Final Site Plan with Bulk Variances

Motion: Rodgers

Second: Hoyle

Ayes: Alperin, Hoyle, Meyers, Rodgers, Osno, Parikh

**Public Comment:**

**Board Comment:**

**Communications/Organization:**

Next Meeting: June 18, 2018

**Resolutions**

ZB 18-12

Motion: Alperin

Second: Meyers

Ayes: Alperin, Meyers, Osno, Parikh

ZB 18-02:

Motion: Alperin

Second: Osno

Ayes: Alperin, Meyers, Osno, Parikh

ZB 18-09

Motion: Osno

Second: Meyers

Ayse: Alperin, Meyers, Osno, Parikh

ZB 18-10

Motion: Alperin

Second: Meyers

Ayes: Alperin, Meyers, Parikh

**Meeting adjourned at 10:51pm.**