

**TOWNSHIP OF EVESHAM**

**Zoning Board**

**Minutes**

**7:00 pm**

**June 18 2018**

**Municipal Building**

**Call to Order**

Chairman Parikh made the call to order at 7:05 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, Wessner, Lutner, Meyers, Hoyle, Osno, Shah

**Also Present:** Wieliczko, Loughney, Furey, Kinney, Bittner

**Absent:** Alperin, Rehmann, Arcari, Dariji

**Meeting Minutes:**

April 16, 2018

Motion: Meyers

Second: Lutner

Ayes: Parikh, Lutner, Meyers, Osno, Shah

*Minutes from May 7, 2018 will be tabled to the next Zoning Board Meeting.*

*Mr. Wieliczko notes that Mr. Shah will not be polled for vote, as there are enough members on the board. However, he can remain to listen to the applications.*

**Continuation of Scheduled Matters**

ZB 98-07EX2 CareOne at Evesham will be scheduled to the July 16, 2018 Meeting. No further notice required.

**Unfinished/New Business**

**1. McDonald's USA, LLC. ZB 18-10. 'C' Variances-Signage**

*760-770 Rt. 70 West, Block 4, Lot 4,4.03 & 4.04 (C-1/EVCO Zone District)*

*Applicant is seeking relief in order to install a total of 4 new freestanding/drive-thru signs consisting of (2) menu board signs and (2) 'pre browse' menu board signs within the existing drive-thru area.*

*Michael R. Peacock, Attorney for Applicant*

**Witnesses:**

- Keith Cahill, Engineer
- Tiffany Morrissey, Planner

Exhibits:

A1: Site Survey dated March 8, 2017.

A2: Signage Plan. Dated 4-11-18

Applicant Attorney Overview:

- McDonald's is looking to change menu board for the drive-thru. Replaced with digital instead of manually. Applicant is seeking 2 'pre-browse' menu signs.

Keith Cahill, Testimony:

- Gives background/qualifications as engineer; accepted as expert witness.
- Describes current property: located on Route 70 and North Cropwell Road.
  - Frontage on Old Marlton Pike, Route 70, N. Cropwell Road.
- Applicant is only changing signage of the McDonald's.
  - Keep dual-drive thru same (previous improvement).
  - Need 2 pre-order menu boards for each lane.
  - New board based on new technology (TV/LED Screen).
- Remove existing pre-order menu.
- Menu Boards will be replaced in the same location
- 20 sq. ft.: 2 menu boards; 10.1 sq. ft.: 2 pre menu boards: 60.2 sq. ft of signage.
- Applicant needs variance for number of signs, but is decreasing square footage from 90 sq. ft. (previous condition) to 60.2 sq. ft.
- Signs will only be visible to cars in the drive-thru lane; and not oncoming traffic.
- Signs do not flash; no red LED lighting.
  - Applicant can agree as COA that the boards will not flash.

Tiffany Morrissey, Testimony:

- Gives background; accepted as expert witness.
- Discusses positive/negative criteria of the application.
- C-2 Variance Criteria: reduce square footage, increase number of signs; include LED lights.
- Improve drive-thru circulation of the site.
- Application promotes positive criteria: better circulation; promote public health safety, and welfare. Application also advances the purposes of zoning.
- Discusses negative criteria:
  - No substantial impairment
- Benefits outweigh the detriments.

Leah Furey, Township Planner Testimony:

- Review letter dated June 18, 2018.
- Discusses menu board signs; intended for those in the drive-thru lane. Not advertisements.
- Discusses LED signage. States that it is the Township catching up with technology and is a minor point. This would be something the Township would update in the future.

Board Comment:

- Mr. Meyers asks if the boards are changed via wifi and if they are secured from possible hackers?
  - Applicant swears in Mark Heinz (owner/operator). Mr. Heinz says the menu boards are controlled by software. They are totally safe/secure, and shut off at time of closing.
- Mr. Rodgers asks if the sign are hardwired? Mr. Heinz replies yes.

Public Comment: None

Board Attorney Summary:

- Applicant is seeking relief to install four free-standing signs (2 menu/2pre-browse). Currently 3 signs on site.
- Square footage of signs will decrease from 90 sq. ft. to 60.2 sq. ft.
- No objection from Township Planner on variance.
- Variance regarding LED signs: request to permit LED signs. Township planner has no objection to this variance.

Motion to Approve ZB 18-19

Motion: Rodgers

Second: Osno

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

**2. Nicholas Pantle. ZB 18-15**

*44 Kent Avenue., Block 13.07, Lot 5 (MD Zone District)*

*Applicant is proposing a 6' fence in the front yard where 4' is permitted.*

Witnesses:

Nicholas Pantle, Applicant

Applicant Overview:

- Applicant is proposing the installation of a 6' fence where 4' is required.
- Property is located on a corner lot between Kent Avenue and Bon Air Drive.
- Fence will be pressure-treated.
- Applicant states that the fence will not obstruct any views, as it is located at the back of the house, and will be used for privacy.
- Applicant states that the purpose of the fence is to fully enclose the back yard. There is an issue with the 6' fence as it is a corner lot.
- Applicant states they have given proper notice to neighbors, and have had no issue from them.

Board Comment:

- Mr. Rodgers asks about the trees? Applicant states that they will be removed, and are remaining from a previous storm.

Public Comment:

None

Board Attorney Summary:

- Applicant is seeking to install a 6' fence where 4' is permitted. This is due to property located on a corner lot.
- Fence variance applies to only one section of the border. Otherwise, fence complies with property.

Motion to Approve ZB 18-15

Motion: Rodgers

Second: Lutner

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

**3. Patrick Downs. ZB 18-20**

*80 Carlton Ave., Block 13.19, Lot 20 (MD Zone District)*

*Applicant is seeking variances for an existing pool, rear yard setback of 7 ½ ft. where 15' is required, and existing shed, rear yard setback of 3 ½ ft. where 5' is required and a 6' fence in the front yard where 4' is permitted.*

Witnesses:

Patrick Downs, Applicant

Applicant Testimony:

- Applicant is seeking variance for existing pool, existing shed, and a new variance to permit a 6' fence where 4' is permitted.
- Process is driven by the fence in location. Applicant purchased property in 2004, and the pool was already existed. Applicant has never changed pool, and was not aware that pool was in violation.
- Applicant placed shed in 2005. At the time, was unaware he had to receive permits.
- Applicant provided notice to neighbors; no objections.
- Board attorney asks if there are any drainage problems on site? Applicant responds no.
- Applicant states that he is requesting a fence for the safety/security of property. He wants to replace the existing wood fence.
- Applicant agrees as COA that in the future, pool backwash will drain to street.

Board Comment:

- Mr. Rodgers asks what kind of fence will be installed? Applicant responds vinyl.

Public Comment:

None

Board Attorney Overview:

- Applicant is seeking variance to replace existing 6 ft. wood fence to a 6 ft. vinyl fence.

- Applicant's property is located on a corner lot; which creates the need for a variance due to the designation of a front yard.
- Applicant is requesting relief for pre-existing conditions of the pool/fence
  - Applicant has testified that there have been no alterations to the pool, and the applicant was unaware it was in violation until applicant applied for fence.
- Applicant has provided notice to all neighbors who have had no objections.
- Applicant agrees as COA that all backwash will be drained into the street.

Motion to Approve ZB 18-20

Motion: Rodgers

Second: Hoyle

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

**4. Joseph Kots. ZB 18-21**

*18 Overington Ave., Block 13.03, Lot 1 (MD Zone District)*

*Applicant is proposing a 6' fence in the front yard where 4' is permitted.*

Witnesses:

Joseph Kotz, Applicant

Applicant Testimony:

- Applicant is seeking to install 6' fence in front yard where 4' is permitted.
- Applicant's property is located on corner lot (Overington Avenue and Bon Air Drive).
- Applicant's side yard fronts Bon Air Drive.
- Applicant has supplied a site survey with the demarcation of the fence.
- Applicant is requesting variance to increase privacy/security of fence. Applicant testifies that the fence will not impact pedestrian flow, nor will it disturb/interfere with site lines.
- Applicant states he is requesting a fence so as to add room for young kids to be outside.

Board Comment:

- Mr. Rodgers asks about the site triangle, how it can be proven with application? Mr. Wilieczko clarifies. Discussion ensues. Board determines that in the future, before an application is deemed complete, it must show site lines on survey for corner lots.

Public Comment: None

Board Attorney Summary:

- Applicant is proposing 6' fence in front yard, which is delineated as a side yard.
- Application attached details reason for request.
- Applicant has testified that there will be no disturbance, and fence will not hinder anyone's view.

- Applicant has testified as a lay person that it will not impact the site line. Mr. Rodgers asks what the existing fence is made of? Applicant responds wood, but will replace with vinyl.

Motion to Approve ZB 18-21

Motion: Rodgers

Second: Lutner

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

**5. Heather Ramola. ZB 18-22**

*19 Phoenix Rd., Block 9.02, Lot 10 (MD Zone District)*

*Applicant is proposing a 16' x 32' in-ground pool with a rear yard setback of 5.5' where 15' is required, side yard setback of 5.5' & 9.5' where 15' is required, side yard setback of 7.5' for pool equipment where 15' is required and 46.7% impervious coverage where 45% is permitted.*

Witnesses:

Heather Ramola, Applicant

Antoinette Williamson, The Pool Store Representative

Exhibits:

A1: Pool Grading Plan. Dated May 17, 2018

A2: Pool Plot Plan

Applicant Overview/Testimony

- Applicant is proposing a 16' x 32' in ground pool. Applicant states this is the minimum size requirement for diving pool.
- Applicant has requested 5 variances:
  - Rear Yard Setback of 5 ½ ft where 15 ft required.
  - Side Yard Setback of 5 ½ ft where 15 ft required.
  - 9.5 ft from West property for pool/decking where 15 ft required.
  - Pool equipment will be 8.3 ft from East Side property line where 15 ft required.
  - Impervious coverage of 46.7% where 45% is permitted, and 40.2% exists.
- Applicant has submitted pool grading plan, and pool plot plan.
- Applicant states they have viewed the Board Engineer's review letter, and saw it with the pool contractor.
- Board Engineer has detailed conditions; Board Attorney asks if the applicant agrees to the conditions? Applicant responds yes.
  - COA: all excavated material will be disposed off-site; applicant will replace sidewalk/curb if damaged; backwash will be disposed via house to the street; backwash will not impact surrounding neighbors/areas; applicant will provide calculations for recharge area.

- Applicant testifies that yard is long and not deep. Family enjoys swimming, and are all great swimmers.
- Patio is on one side of the pool to allow applicant and family for sitting area.
- Mr. Parikh asks if this is the minimum size for diving pool? Applicant's pool representative responds yes, explains why. Mr. Parikh asks if you can shrink size of pool? Applicant responds no.
- Mr. Parikh asks about impervious coverage/equipment? Discussion ensues. Applicant states they need an 6 x 8 concrete pad around diving board.
- Mr. Loughney states that he brought up reducing the size of concrete pad around the pool; however they need the pad to counter-act the weight of the person on diving board. He accepts this as a valid reason for no impervious coverage reduction. Discussion ensues.
- Mr. Wieliczko asks if the applicant will remove the existing concrete walkway? Applicant responds yes.
- Applicant has notified all neighbors. HAVe heard no objections. Applicant has lived in property since June 2017.
- Applicant states they have selected the shape so the family can do laps.

Bill Loughney, Township Engineer Testimony:

- Discusses review letter.
- Discusses impervious coverage, shape of concrete around pool.
- Discusses drainage calculations. Discusses trenches.
- Applicant agrees as COA regarding the infiltration system with five catch basin.
- Applicant agrees as COA the basin/infrastructure will be agreeable/acceptable by the Board Engineer.

Public Comment: None

Board Comment:

- Mr. Parikh asks if the impervious coverage would still be 46.7% if the pavers are removed? Applicant says yes.

Board Attorney Summary:

- Applicant is seeking to install a 16 x 32 inground pool.
- Applicant is requesting five variances.
- Applicant Agrees as COA:
  - Agrees to comments in Board Engineer's Review letter; including drainage calculations, backwash, and recharge.
  - NO conditions to neighboring property.
  - Excavation material will be removed off-site.
  - Any sidewalk/curbs that are damaged during construction will be replaced.
  - Applicant will remove all paver patio to reach 46.5% impervious coverage.

Motion to Approve ZB 18-22

Motion: Wessner

Second: Rodgers

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

**Public Comment: None**

**Board Comment: None**

**Communications/Organization**

Ms. Kinney announces that Ms. Hoyle will be stepping down from the Zoning Board. She thanks her for her service.

Next Meeting: July 16, 2018

**Resolutions**

ZB 18-3

Motion: Rodgers

Second: Hoyle

Ayes: Hoyle, Meyers, Rodgers, Osno, Parikh

ZB 18-16

Motion: Meyers

Second: Osno

Ayes: Meyers, Osno, Shah

ZB 18-17

Motion: Osno

Second: Hoyle

Ayes: Hoyle, Meyers, Rodgers, Osno, Parikh

ZB 18-18

Motion: Osno

Second: Rodgers

Ayes: Hoyle, Meyers, Rodgers, Osno, Parikh

**Meeting adjourned at 8:11pm.**