

TOWNSHIP OF EVESHAM

Zoning Board

Minutes

7:00 pm

October 15, 2018

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:13 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: Alperin, Rodgers, Lutner, Meyers, Osno, Shah, Davé, Wilson, Parikh

Also Present: Wieliczko, Loughney, Arcari, Darji, Bruder (arrived 7:40p), Kinney, Boulton

Absent: Wessner

Meeting Minutes:

September 17, 2018

Motion: Rodgers

Second: Alperin

Ayes: Alperin, Rodgers, Lutner, Meyers, Osno, Shah, Davé, Wilson, Parikh

ZB 18-31 – FT Equities

Notice of Continuance - Moved to November 19, 2018

Unfinished/New Business

1. Roy Rambo/Sherri Tulini ZB 18-30 11-3-18

8 St. Jean Way, Block 11.34, Lot 4 (LD Zone District)

Applicant purposes to construct a 19' x 50' in-ground pool with a rear & side yard setback of 8'5" where 62-62 requires 15'

Witnesses:

Roy Rambo, Applicant

Sherri Tulini, Applicant

Board Attorney Overview:

- Applicant is seeking approval to construct a 19ftx50ft in-ground pool with rear and side yard setback of 8.5ft where ordinance requires 15ft
- Right property line is eastern property line
- Applicant was denied permit due to encroachment into setbacks
- All excess water will drain towards the house according to topographical survey
- Revised letter of 10/10/18 from Township Engineer with recommendations
- Proposed drainage will be via a cartridge filter system
- Pool and concrete pad cannot be moved 6.5ft towards west side property line
- Applicant explained they intend to put deck on west side of the house within bounds of the 15ft setback and if moved they it would impede on future plans
- Will apply for zoning and permits if approved

- Excavated materials to be disposed of off-site
- East side property line has a drainage swale
- Applicant confirmed swale continuously saturated; on neighbor's property line
- Land slopes down and discussed with neighbor to install French Drain to alleviate the east side drainage swale that is saturated
- Engineer requested the French Drain on grading plan application
- Drainage intended to run from the rear of the property to the front of the property
- 2 other neighbors already installed drain for same reason as continual problem in the neighborhood
- Condition of Approval if granted approval, that French Drain design and installation has to be acceptable to the Township Engineer

Board Comment

- Mr. Parikh inquired about moving the pool closer to the property line and considering to reduce the size of the pool
- Applicant responded that he has 3 growing children and needed the concrete on end in order to install diving board and limit the splash to the house
- Mr. Parikh asked if there would be any testimony from a pool contractor
- Board Attorney replied no, doesn't see it necessary as Applicant agreed to comply with all Township Ordinances with regard to pool installation
- Mr. Parikh asked if any property damage to neighbors, Applicant would be responsible
- Construction equipment will be on the east side of the property
- Applicant agreed as a Condition of Approval to be responsible for any and all damage to neighbors and provide remediation to landscaping from construction equipment at own expense
- Applicant advised that the pool contractor is Swim Mor
- Applicant agreed that pool will be installed within the parameters of 8.5ft setback and it is their responsibility to let Swim Mor know to abide

Bill Loughney, Township Engineer Testimony:

- Installation of the French Drain will ease the saturation and assist with water drainage issue
- When French Drain is installed ensure it does not interfere with electrical transformer at end of swale
- Make sure end of French Drain will drain somewhere; drainage to street needs to be reviewed in the design plan as a Condition of Approval
- Applicant agreed to Condition of Approval

Public Comment:

Georgina McGarvey, 35 Brittany Blvd.

Board Attorney swore in Georgina McGarvey

- Neighbor resides on Block 11.34 Lot 13 on back corner
- No opposition to pool, however, concerns regarding swale
- Ryland built and 5 years after living in home Township regraded surrounding properties due to drainage issues (lower set properties)
- All grading and swales were redone
- Reassured that there would be no drainage issues if swales remained in place

- No issues with drainage and want to confirm pool will not create any now
- Grade was very steep and they lost a lot of ground on back of house due to very steep grading completed more than 10 years ago
- Want a guarantee that the French Drain will work

Board Attorney:

- There is no proposed application for regrading or changing swale
- Proposal of French Drain will correct any potential drainage issue
- No guarantee on anything however, according to Township Engineer, the French Drain may not eliminate drainage issue however, it will definitely make the current situation and water saturation better than it is now
- Impervious coverage is 50% in this zone permitted in LD zone
- Proposal is to increase the coverage where it is from 22.7 to 39.1 which is in compliance

Board Attorney Summary:

- Applicant is requesting a variance to construct a 19ftx50ft in-ground pool with rear and east side yard setback of 8.5ft where 15ft is required
- Applicant has agreed to comply with all conditions and comments in Engineer's review letter
- Applicant has agreed to installation of French Drain in rear to alleviate water saturation rate in that area currently and will do so in a manner that is acceptable to the Township Engineer
- As a Condition of Approval, Applicant will submit plans to Township Engineer that will layout proposed location and design detail of the French Drain

Motion to Approve ZB 18-30

Motion: Davé

Second: Lutner

Ayes: Alperin, Davé, Lutner, Meyers, Rodgers, Osno, Parikh

2. Brenda Goldsmith ZB 18-32

11-24-18

11 Jefferson Ave., Block 27.07, Lot 40 (MD Zone District)

Applicant purposes to construct a 8' x 23' Portico with a front yard setback of 23' where § 160-64E(1) requires 30'

Witnesses:

Brenda Goldsmith, Applicant

Board Attorney Overview:

- Applicant seeking variance to install an 8ftx23ft portico on front of home with front yard setback of 23ft where 30ft is required
- Applicant will install with materials and a design that is the same of the home
- Reason for portico is to provide relief from the afternoon sun
- Neighbor has the same portico on their home
- A survey was submitted with the proposed portico

Applicant Testimony:

- Requesting to have relief from the extreme afternoon sun

- The location is on an existing concrete slab in the front of the home
- The driveway is on the east side of the home

Board Comment:

- Is there a review letter?
- No per Board Attorney
- Pre-existing condition of concrete slab in front of home
- Concrete slab was in place prior to purchasing home
- Line closest to front of street never moved

Public Comment:

- None

Board Attorney Summary:

- Applicant is seeking a variance to install an 8ftx23ft portico with a 23ft setback where 30ft is required
- Purchased approximate 15 years ago with concrete slab as preexisting

Motion to Approve ZB 18-32

Motion: Rodgers

Second: Alperin

Ayes: Alperin, Davé, Lutner, Meyers, Rodgers, Osno, Parikh

3. Robert Hammelmann ZB 18-33 11-27-18

17 Violet Court, Block 15.05, Lot 19 (SEN-1 Zone District)

Applicant purposes to construct a 14' x 14' Sunroom with slab with a rear yard setback of 5' where § 160-73D(8) requires 10'

Witnesses sworn in by Board Attorney:

Robert Hammelmann, Applicant

Margaret Hammelmann, Applicant

Applicant Overview:

- Proposing to construct a 14ftx14ft sunroom with a slab, with a rear yard setback of 5ft where 10ft is required
- Corrected statement that it was 5ft in proposal, however is now 12ftx14ft with 12ft off the back of the house; 7ft setback where 10ft is required
- Aesthetics and materials will be same as current home
- Existing patio will be saw cut and removed
- Sunroom will be put down on new concrete
- Difficulty/hardship due to size of lot
- Size of the lot limits the outside dimension of the sunroom to a 9ft standoff from the house which would give an interior dimension of roughly 8ft 6in
- Very narrow and very small
- Backs up to open space and want to spend time out their enjoying view
- Condition of Approval that it will not affect the drainage on the site
- Will match existing siding, roofing and colors accordingly
- 12ftx14ft sunroom with a 7ft setback where 10ft is required and will amend documents to show the corrected dimensions as a Condition of Approval

Board Comment:

- None

Public Comment:

- None

Board Attorney Summary:

- Applicant is proposing to construct a 12ftx14ft sunroom on a new concrete slab with a rear yard setback of 7ft where 10ft is required
- Applicant also detailed that construction will be consistent with current materials
- Construction will not affect drainage
- Rear property line backs up to open space

Motion to Approve ZB 18-33

Motion: Lutner

Second: Davé

Ayes: Alperin, Davé, Lutner, Meyers, Rodgers, Osno, Parikh

4. Shah Property Group, LLC ZB 18-25 10-31-18

Use Variance/Prel/Final Major Site Plan

229 North Locust Ave. Block 10.01, Lot 1 (MD Zone District)

Applicant proposes to convert the existing residential building for use as a professional office for an IT service company with associated parking lot and other related improvements

Erin E. Simone, Attorney for Applicant

Witnesses sworn in by Board Attorney:

Amit Shah, Owner and Applicant

Chris Perks, Professional Planner

Charles Chelotti, Professional Engineer

Exhibits:

A1: Breakout of proposed staffing schedule

Applicant Attorney Overview:

- Applicant is seeking a use variance to convert an existing residence structure to office space; IT type commercial location
- Bulk variances for rear yard setback, front yard setback, a 50ft buffer requirement for commercial properties, 50ft front yard setback for parking and parking for 15ft rear yard setback, parking spaces for 7 where 12 are required, a sign variance to allow for a monument sign and façade sign where 1 is required; and size of sign requires a variance

Board Attorney

- Requested that application process of approvals, whether approved or denied, Use Variance requires 5 votes; if motion denied, does not go to Bulk Variance vote
- If granted, go to bulk variance, requires 4 votes; would be 2nd vote after we go thru professionals; all in agreement

- Applicant Witness and Professionals were sworn in

Amit Shah, Applicant Testimony:

- Requesting to perform IT consulting out of home
- Rented commercial space since 2009 which has grown to 4 full-time people (3 plus self); leasing space for 10 years
- 99% of the time perform services at client location
- Own the business and no longer want to lease/rent space
- 4 full-time employees, 1 part-time intern and summer intern works on site summer only
- 2 remote employees who work off-site as well as wife who does HR from home
- Most on-site at one time is 6 people on Friday afternoons
- Refer to Exhibit A1 which depicts employees on site Monday-Friday 8am – 6pm
- Owner resides in office late on Tuesdays until 9pm
- Little to no noise as everyone is inside and servers sound like an A/C unit
- Clients may drop off computers for service 1 or 2 times a month; clients do not remain on-site, drop off only
- There will be deliveries 2-3 times a week from USPS or Fed Ex
- Part-time employee there 4 hours per day
- Condition of Approval that will do best to ensure that customer drop-off would be when part-time employee isn't there and there are no customer drop-offs on Fridays; with exception of Fed Ex and USPS only
- Office space on main floor to include 2 offices for self and a manager
- L-shaped office space for employee with computer
- There are 3 bedrooms and we are proposing to do the least amount of construction
- Servers are on main floor now and intend to move to basement
- Basement ceiling is 8ft high and proposed use will be for storage and lounge/breakroom; not intended for office space unless needed
- Sump pump currently not working in basement, concerns putting servers there
- Intend to landscape the property, construct gable, new siding and a new roof
- Proposing dark blue and gray, white trim exterior so it works in the area; will keep brick
- Currently no irrigation on the site; no intention to irrigate
- Property is in poor condition at the moment and wish to wait a season to determine what is needed
- Landscaping company currently maintaining grounds every 2 weeks
- Intention to make it look nice; plant flowers and mulch
- For trash and recycling, proposing to keep at back where basement access is or side of the house
- Minimal footprint; not a lot of paper or trash
- Less intended amount of trash as there are no residents or cooking on-site
- Proposed parking will be 6 spaces with 1 for Handicap to meet current needs
- If expansion in future, will tear down garage to build additional space on other side of house
- Same materials will be used on all sides of the house
- The proposed Monument Sign will be in the front yard on the Maple Ave side
- Exposure is appealing, high traffic volume location
- Sign doesn't fit on the corner where street light is located and there are a lot of trees; working with Engineer so visible from side of the road

- Façade sign will have a branding emblem on the gable at the top; logo with branding raised off the side of the roof
- Façade will be channel letters; will work with Township to get permit if approved

Charles Chelotti, Professional Engineer:

- Accepted as an expert witness
- Described shape of lot as unique in shape and size
- Couldn't fit a full size unit on lot so it was carved to fit on the corner of Maple and Locust Avenues
- Reviewed with County as Maple is a County Roadway (607)
- This application is on an undersized lot with setback requirements that are hard to meet due to the narrow triangular shape
- Width of the property is 53ft at the narrowest point on eastern side of property
- N. Maple frontage is approximately 117ft
- Setbacks required with 50ft buffer and 50ft setback are very difficult to meet
- Existing building does meet the rear yard setback as very narrow; no proposed changes
- Parking is very difficult due to the layout of a corner lot; looked at multiple options to keep buffer; want to align with adjacent commercial property
- No intention to move near neighboring house
- Trying to maintain buffers; keeping parking to one location to minimize tree removal and keep closer to property to help avoid potential driver conflicts
- Driveway is offset now as a residential house; proposed driveway would improve safety coming in and out of side
- Variance for parking rear yard setback is for parking on smaller sites; today's vehicles aren't smaller, so cannot narrow drive aisle
- Need to maintain 24ft; easier to maneuver
- Requesting 7 parking spaces where 12 are required in order to limit the clearing on the site
- Sidewalks do not currently exist and would require a lot more tree removal or uniquely shaped sidewalks; didn't seem to make sense in layout
- Existing traffic box would need to be relocated if a handicap ramp is constructed
- Reviewed many ways to get handicap ramp constructed but none are easy to do
- Open to providing a sidewalk if we can come up with a feasible plan
- As a Condition of Approval, Applicant will cooperate and work with Township Planner to review a plan for tree removal and sidewalks
- Lighting in parking lot will be unobtrusive to neighbors and not "spill" onto adjacent properties
- The lighting will be more than what is usual on residential properties, however, the focus is on parking area for safety near building and walkway to building during nighttime hours
- Drainage on the site will be an improvement with roof spouts and gutters
- Proposed rain barrels being installed to also help with irrigation
- Rain garden proposed as a small storm water basin to take run off into ground
- Monument sign on Maple Ave; factor was proximity to intersection
- Clients need to be able to see it quickly enough so as not to drive right by it due to the intersection; visible further away for safety in all directions
- No other feasible spot for sign to satisfy north and south bound Maple Ave traffic
- Intent to maintain trees on site with minimal removal; 4 trees proposed to remove are in bad condition

- Condition of Approval to conduct site visit with Township Planner to identify acceptable placement of monument sign and minimize the amount of tree removal
- The monument sign is approximately 3ft high/4ft long; so 12ft maximum
- The façade sign is fairly small and simple; will submit to professionals and will comply with ordinance requirements
- Very challenging site; poor condition as an existing residence; proposal will greatly improve both

Chris Perks, Professional Planner:

- Accepted as expert witness
- Use variance requires positive criteria, and 2 aspects of negative criteria
- Establish principal of positive and negative aspects to the general public welfare; is it particularly suited for the site
- Particularly fitting where the location is being sought for special reasons and to promote the general welfare as this type of business is well suited
- Computer firm is a professional service firm
- Complimentary business to professional service (Jefferson Health Care) that is across the intersection
- The cross over to commercial use seems fitting for this location
- Increases traffic safety from N. Maple to Route 70; had high accident rate
- Safety study on this stretch of roadway; 4 lanes, 2 in each direction no shoulder or divider on intersection so cited for its accident activity
- Most accidents due to left turning onto Maple or onto N. Locust due to angle and rear end crashes
- Proposal will help by changing exact location of street light; potential for staff mounted traffic signals; potentially squaring up cross-walk and changing timing
- Proposal addresses accident issues and with reverse frontages of the properties with driveways set back, traffic tends to go faster; less desirable as residential unit
- Better for commercial vs. residential
- Other commercial zones – 3 properties on N. Maple similar to this one
- Compatible use in the area; quiet and not a disruption to neighbors
- Meets criteria particularly appropriate to this location
- Hard to determine negative impacts that are so severe they affect the area
- No drastic impact to effect population, sewer/water system, existing infrastructure, school age children, utility services or revenue analysis; no category is relevant therefore no substantial detriment
- Redevelopment and adaptive reuse of development per the Plan (2011)
- Compatible with business across the street and other commercial zones on Maple Ave; not an isolated lot
- No detriment to zoning plan or zoning ordinance
- Meets both positive and negative effects of the zoning ordinance
- Bulk variances of existing site (circa 1965) would not meet today's setbacks as resident location

Leah Fury Bruder, Township Planner:

- Per letter dated 10/2/18, this location is an MD zone, permits single family residential as primary use, commercial home use is permitted, but only 1 person
- Not ideal for single family home any longer

- This is a vacant property that needs attention
- From Master Plan perspective, location no longer meets requirements for a single family home; business is a great use for the site
- Limited hours, attractive improvements; use variance justified
- Most issues in letter have already been addressed
- Attorney commented they agree with all except tree removal and sidewalks
- Sidewalk is required in site plan and recommend that it is installed
- Business across the street (Jefferson) has a sidewalk installed that is asphalt path
- Asphalt path curves around trees and allows more flexibility
- Condition of Approval to meet and agree on a sidewalk/path
- Tree removal per the ordinance states that payment is required to compensate for any unnecessary removal of trees
- Condition of Approval that rain barrels need to be utilized as irrigation system; make them functional
- Intent for trash will not work with use variance as commercial site
- Must arrange for private trash pickup or take it to the dump
- No dumpsters may be delivered to site unless administrative approval for enclosure is obtained by Township; however, probably will not need one
- Recommend a 3ft setback, not 1ft for the sign on N. Maple from the right of way
- Will determine tree removal based on the new location of sign
- Façade sign will meet 3 square ft; however, ask for variance to increase it to 8 square ft on front of the building

Bill Loughney, Township Engineer:

- The detail to handicap spot requires an 8ft striped area
- Site plan 2 shows 5ft in width; make both the same size (8ft) on sheets
- Grading and drainage doesn't require stormwater management, intent to install rain garden and rain barrels will reduce drainage off site

Rakesh Darji, Township Environmental Engineer:

- Letter dated 10/10/18
- Applicant request to waive the Environmental Impact Report should not be granted; do not waive the full report
- Minimize the study due to the limited size of the development
- Applicant will agree to Condition of Approval to provide a limited scope Environmental Impact Report with water, soil testing, etc.
- Environmental concerns should be noted
- Phase I will require a letter for LSRP; remedial action work plan detailing work to be done at the time of construction
- Will require acknowledgement when it is received and site will be remediated
- Will require a GPR Report provided showing that nothing has been found; site may have asbestos, lead based paint, underground tanks, pesticides
- May still require remediation and further evaluation
- Historical agricultural pesticide needs to be tested
- Mr. Shah confirmed that tank was in basement and not underground; previous owners had removed

Staci Arcari, Township Traffic Engineer:

- Referring to letter dated 10/01/18

- Trip generation on the site with 4 full time/2 part time employees was 12-20 trips per day which is acceptable
- Single family dwelling generates approximately 10 trips per day; comparable use
- Driveway is aligned with driveway across the street; good traffic planning; vehicles see each other in head-on fashion; safer
- Setback of driveway is good in each direction
- Parking already at capacity; if business grows looking at a parking problem
- In order to be van accessible; ADA space has to have 8ft wide loading space; would like to see walkway from the parking space or combined in some fashion recommended; trim trees if necessary
- No issues from Township Fire Marshall, memo dated 9/27/18 and Burlington County Engineers issued approval letter dated 9/18/2018.
- Applicant agrees to Condition of Approval to put a walkway in

Board Comment:

- Mr. Lutner questioned the prospect of asbestos in building and requested that Applicant be diligent and upfront for protection of workers and employees working on site
- Mr. Lutner also had concerns about lighting having an impact on south side neighbors; ensure it is high level lighting and will have no impact to neighbors
- For safety, lighting is required in parking area
- Driveway is well positioned but very dangerous location so caution employees

Public Comment:

- None

Board Attorney Summary:

- Applicant is seeking a use variance for a professional office IT Service Company not permitted in this zone; parking and bulk variances identified
- Applicant has agreed to numerous Conditions of Approval including and not limited to:
 - No customer drop-offs or deliveries on Friday, with exception of USPS and FedEx
 - Proposed façade sign to be channel letters on signs and will secure sign permits
 - Secure private trash removal
 - Agreed to proposed and recommended sidewalk and asphalt path
 - Site visit with Board Planner to discuss placement of asphalt path, monument signs and minimal of 3ft off of right of way, with minimal amount of tree removal
 - Façade sign will comply with ordinances and be increased to an 8 sq ft variance
 - A fee for tree compensation for any unnecessary removal of trees
 - Use of irrigation system acceptable to Engineer and Planner built off rain barrels proposed
 - Striped area of handicap space being 8ft and loading space on the revised site plan
 - Limited scope Environmental Impact Report
 - Maximum of 6 employees on the premises including Shah

- Construction of a walkway along south side of ADA parking spot to connect with parking lot
- There are 5 votes required to approve or deny use variance then move to motion to approve or deny preliminary and final site plan approval with identified bulk variances

Motion to Approve ZB 18-25 Use Variance

Motion: Alperin

Second: Lutner

Ayes: Alperin, Davé, Lutner, Meyers, Rodgers, Osno, Parikh

Motion to Approve ZB 18-25 Preliminary and Final Site Plan with associated Bulk Variances and all conditions

Motion: Alperin

Second: Davé

Ayes: Alperin, Davé, Lutner, Meyers, Rodgers, Osno, Parikh

Resolutions

ZB 18-24

Motion: Rodgers

Second: Osno

Ayes: Alperin, Davé, Lutner, Meyers, Rodgers, Osno, Parikh

ZB 18-27

Motion: Davé,

Second: Osno

Ayes: Alperin, Davé, Lutner, Meyers, Rodgers, Osno, Parikh

ZB 18-26

Motion: Rodgers

Second: Osno

Ayes: Alperin, Davé, Lutner, Meyers, Rodgers, Osno, Parikh

Communications/Organization

Next Meeting: November 19, 2018

The Board wishes Mr. Meyers well and thanks him for all of his service on the Board. Mr. Meyers will be moving to Colorado and he is wished all the best from everyone.

Meeting adjourned at 9:19 pm