

TOWNSHIP OF EVESHAM

Zoning Board

Minutes

7:00 pm

March 19 2018

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:02 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, Hoyle, Osno, Shah

Also Present: Wieliczko, Rehmann, Furey, Kinney, Bittner

Absent: Rodgers, Wessner, Arcari, Dariji

Meeting Minutes:

February 26, 2018

Motion: Meyers

Second: Parikh

Ayes: Alperin, Meyers, Parikh

Continuation of Scheduled Matters

Mr. Parikh announces that application ZB 18-02, Prince of Peace Church-Signage has been rescheduled for the April 16th Meeting. No further notice is required.

UNFINISHED/NEW BUSINESS

1. Walmart Real Estate Business Trust. ZB 18-04. "C" Variance for Signage.

150 Route 70 East, Block 13.60, Lot 1. (C-Z/EVCO Zone District).

Applicant is proposing two additional facade signs ("Pick-up" & "Lawn & Garden")

Michael R. Peacock, Attorney for Applicant

Witnesses:

Brad Kern, Architect

Tiffany Morrissey, Planner

Alexandros (Alex), Mehmetneli, Store Manager

Exhibits:

A1: Survey Plan. Dated November 23, 2009.

A2: Signage Plan. Dated January 23, 2018.

Applicant Testimony:

- Applicant wishes to add two new signs to Walmart on Route 70.
 - “Pick-Up” Sign: directs people to online shopping.
 - “Lawn & Garden Sign.”: Directs to lawn and garden department.
- Size/Area of signs are reasonable to site.

Brad Kern Testimony, Architect:

- Gives qualifications; accepted as witness.
- Talks about proposed signage.
 - Discusses existing Signage. The “Walmart” and “Pharmacy” Sign. Notes that the pharmacy sign will be relocated.
 - New Signage:
 - “Pick-Up” Sign at corner of building
 - “Lawn & Garden” Sign; near the left side of the building.
- Facade sign: approximately 9,712 sq. ft.
- Falls within 15% of Maximum Allowable Size.

Tiffany Morrissey, Planner:

- Accepted as witness; testified previously.
- Discusses the Maximum Size of Signs Allowed.
- States that signable area of signs is 15% of the area or 80 square feet; whatever is remaining.
- Increase signage to 316.82 sq ft to 447.39 sq. ft.: 5% of signable facade area.
 - 290 sq. ft. is Walmart Sign
 - 18.82 sq. ft. is Pharmacy Sign.
 - 66.68 sq. ft. is Pick-Up Sign
- Discusses C-2 Variances: No Hardship; benefits outweigh detriments.
 - Keeps Walmart Competitive in Market (Pick-Up Sign).
 - Lawn & Garden; gives specific location of sign
 - Good civic design, proportional to site.
 - Not increasing building square footage
 - All signs are under 80 Square Feet: 1400 sq. ft. Building facade.
 - Would be permitted if it was shopping center.
 - Benefits outweigh detriments; no substantial public impact.
- Member of the public asks to see signs. Ms. Morrissey shows public to proposal of sign. Discusses illumination.
 - Pharmacy and Lawn & Garden Sign: Not illuminated
 - Walmart/Pick-Up Signs are Illuminated internally.

Applicant ends formal testimony.

Leah Furey Bruder, Township Planner

- Review letter dated March 15th, 2018
- Only on front of Facade towards Route 70
- Right-of-way on Rt. 70, cannot move vegetation. Signage is more for those visiting the site.

- Sign is large but proportionate to building.
- Channel letters/internal illumination has no issues from planning standpoint.

Public Comment: None

Board Comment:

- Mr. Meyers asks if the “Pick-Up” sign would change traffic flow, and if they would need to add doors and parking spaces. Applicant says there is no additional doors, intent is not to disrupt traffic but let customers know pick-up is available at the store (inside store). It is just advertising the service.

Board Attorney Summary:

- Applicant is seeking variance for 2 signs to have a total of 4 facade signs, where 2 are permitted.
- 447 sq. ft. is requested where 15% of the frontage or 80 square feet.
- Board has heard testimony that the signs are not a detriment to the public good and are consistent with the Master Plan.
- Board has heard testimony from their planner with no objections.

Motion to Approve ZB 18-04

Motion: Alperin

Second: Osno

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

Abstain: Parikh

2. Philip R. Yeany, Jr. ZB 18-05.

112 Mystic Road, Block 3.27, Lot 6 (MD Zone District)

Applicant is proposing a 575 sq. ft. addition with an 18.15' rear side back where 25' is required, existing 204 sq. ft. shed with a side setback of 4.5' where 12 ½ is required.

Witnesses:

Jeffrey King, Architect

Applicant Overview:

- 112 Mystic Drive; has been owner since 1994.
- Expand house on one side.
- Mr. Wieliczko asks Mr. King regarding the variances needed for the 575 sq. ft. addition
 - Variance: 18.25' rear yard setback where 25' is required.
 - 21.11' side yard setback where 25' is required.
 - Existing Shed is 146 sq. ft.: 5 ft setback.
 - 4.11' side yard setback and 4.57' rear yard setback where minimum 5' is required.

Jeffrey King Testimony:

- Gives qualifications as architect; accepted as expert in field.

- Discusses proposed project:
 - Increase size of Dining Room: make usable and more practical.
 - Add Master Bedroom
 - House is in a peculiar location, and a non-conforming lot.
- Applicant will improve lot, use same materials to house and general area.
- Mr. Wieliczko asks about the “reason for Relief..” Applicant states that is accurate. Mr. Wieliczko notes the board can view this as fact.
- Mr. Wieliczko asks if the applicant agrees as a COA that neither the proposed addition or existing shed will negatively impact drainage or that of the surrounding properties. Applicant agrees.

Public Comment:

Michael Perno, 403 Mallard Drive

- States that Mr. Yeany showed drawings to addition, since it is closest to his property.
- States for the record what is the total amount of footage their house will be closer to his? Mr. King states approximately 2 ft. Mr. Perno replies that that is acceptable.
- States that Mr. Yeany was upfront with him regarding this proposal, he showed him the drawings, and is okay with the approval of this project.

Board Comment: None

Board Attorney Summary

- Applicant is requesting to build a 575 sq. ft; 2 story addition.
- Variances Requested
 - Rear Yard Setback of 18.25’ where 25’ is required.
 - Side Yard Setback of 21.55’ where 25’ is required.
 - Existing Shed Variance
 - Less than 150 square feet; and less than 5 ft. from property line
 - Shed is 146 square feet (conforms)
 - 4.11’ East Side Yard Setback
 - 4.75’ Rear Yard Setback.
- Applicant agrees as Condition of Approval that there will be no adverse impacts to drainage.

Motion to Approve ZB 18-05

Motion: Meyers

Second: Alperin

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

3. Timothy Lindsay, ZB 18-06.

502 Justice Drive, Block 11.38, Lot 41 (MD Zone District).

Applicant is proposing improvements to an existing pool, rear yard setback of 5’ where 15’ is required, 5’ rear & side yard setback for pool filter where 15’ is required and 10’ side yard where 15’ is required for patio.

Witnesses:

Scott Henshaw, Pool Company Manager

Timothy Lindsay, Applicant

Exhibits:

A1: Color coded survey of property, prepared by Mr. Rehmann.

Applicant Overview:

- Applicant is requesting bulk variances in regards to proposed pool.
- Permit important to existing pool.
- Applicant states that he purchased properties approximately 7 ½ years ago. Since then the concrete has shifted, and the existing pool is 13 years old. He wants to make the pool safe for his children.
- Applicant is seeking to replace the concrete on pool.
 - Discusses work that has been done. Has spent money to even out the concrete, and there are still issues.
- No changes to location of the pool.
- Proposed to move filter away from sitting area, and so it is more aesthetically pleasing.
- Mr. Henshaw states that they are also proposing to add a fire pit to outdoor seating area, to make it a 5 month area.
- Mr. Henshaw states that they went to apply for permits, and saw that the pool was set out of the setback requirements.
- Mr. Wieliczko asks about a notion on the survey provided. Applicant stated that they looked at permits.
 - In 1998, it was approved for 10' setback, and they built a 5' setback. Ms. Kinney notes that at the time, it was 6' for pools, which was only in effect for one year.

Chris Rehmann, Board Engineer Testimony:

- Review letter dated March 13, 2018.
- Explains the setback issue.
- Asks about existing concrete on site? Applicant states that it will be removed.
- Asks applicant to clarify pool filter movement. Applicant explains noise issue, and that if you put it closer to the pool, it will encroach.
- Asks about disposal of backwash. Applicant states that it will go onto the road, and not in anyone's property.
- Asks if the grading of the pool will change? Mr. Henshaw replies no.
- Asks about grading of the patio? Applicant replies no, it will be the same pitch as existing patio.
- Asks about any existing drainage or water problems? Applicant responds no.
- Asks if applicant has any concern that they will impact their neighbors in any way? Applicant responds no.
- Mr. Wieliczko asks if there were any objections to the content in Mr. Rehmann's letter. Applicant responds no.

Public Comment: None

Board Comment: None

Mr. Wieliczko thanks Mr. Rehmann for supplying the color-coded survey to assist the board.

Board Attorney Summary:

- Applicant is seeking to replace existing pool with limited improvements.
- Lists the various setbacks for pool, pool filter and patio.
- Board has heard testimony regarding the dimensions of the lot, and it is a necessity.
- Applicant agrees as a COA to the comments made by the Board Engineer.

Motion to Approve ZB 18-06

Motion: Alperin

Second: Osno

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

Applicant asks if they can waive period of appeal? Mr. Wieliczko says that they can submit the application for permitting, but cannot get approval for resolution until it is adopted. If they start, site is at risk and if someone challenges it, they will have to stop construction. Mr. Wieliczko says it is 45 days to file for challenge. Mr. Rehmann says application was submitted to Board on February 22nd, the Township has moved it along as quickly as possible.

4. **Andrea Reader. ZB 18-07.**

8 Continental Lane, Block 38.03, Lot 18 (RG-1 Zone District).

Application is proposing a 600 sq. ft. pool & patio, 8' rear yard setback, 10' & 9' side yard setback where 15' is required, pool equipment, 9' side yard setback where 15' is required, impervious coverage of 50.9% where maximum of 45% is permitted, existing shed side setback of 1.5' where 5' is required.

Witnesses:

Bob Lane, Swimmore Pools

Andrea Reader, Applicant

Exhibits:

A1: Color coded copy of survey, prepared by Mr. Rehmann.

Applicant Overview:

- Applicant is seeking to construct a 600 sq. ft. in ground pool, along with a deck/hot tub and fire pit.
- Applicant also is requesting a variance for existing shed on site.
- Variances Requested:
 - Rear Yard Setback of 8' where 15' is required.

- West Side Yard Setback of 9' where 15' is required.
- East Side Yard Setback of 10' where 15' is required.
- Impervious coverage of 50.9% where 45% is permitted.
- Shed variances:
 - 4.9' where 5' is required (Rear Yard Setback)
 - 1.5' where 5' is required (Side Yard Setback)
- Applicant has talked to Mr. Rehmann about the survey provided. Do not disagree with anything.

Andrea Reader Testimony:

- Requests an in ground pool and patio
- Yard has a 6 ft high privacy fence
- Provides background of application; states why they are seeking to construct the pool.
- States that the size of the pool is best for the location of the house, and allows children to play.
- Mr. Rehmann asks if the shed existed when they moved in? Applicant replies yes, does not know the age of the shed.
- Mr. Rehmann asks about a section on the survey? Applicant states that it is a fire pit plus a retaining wall.
- Applicant states that the fire pit is 8 ft from property line.
- Mr. Rehmann asks once the design is submitted to make sure the wall is okay and won't cause issues.
- Mr. Wieliczko asks as a condition of Approval that when the application is submitted the specification of the wall is provided to the Township's satisfaction. Applicant responds yes.

Chris Rehmann, Board Engineer Testimony:

- Asks questions regarding the dimensions of the pool and hot tub's location. Applicant responds.
- Asks why the pool equipment is located where it is in the plan? Applicant states that the equipment is noisy, and gives a degree of privacy.
- Asks about how backwash will be handled with the cartridge filter? Applicant responds, provides testimony regarding how to replace the cartridge filter.
- Mr. Rehmann notes that he has concerns about impervious coverage and drainage.
 - Applicant will address changes and grading plan.
- Mr. Wieliczko asks applicant if they agree as COA to comply with Mr. Rehmann regarding drainage and trenches? Applicant responds yes.

Board Comment:

- Mr. Parikh asks if it is possible to move pool on side towards the right? Discussion ensues. Idea is to reduce the west side yard setback by a few feet.

After Discussion, the plan is amended:

- West Side Yard Setback of 11' where 15' is required.
- East Side Yard Setback will remain 10'.

- Rear Side Yard setback will be 13’.

Public Comment:

Jeff Snider, 64 Country Squire Lane:

- Live behind applicant.
- Wants to make sure that the drainage does not impact them; as long as this addressed he will be satisfied.
- Mr. Wieliczko notes that as a Condition of Approval, the applicant has agreed to not adversely impact drainage on any neighboring property. It will not make drainage better, but not any worse. Mr. Rehmann discusses the pool grading plan and recharge. Mr. Snider replies that he is satisfied.

Board Attorney Summary:

- Applicant is seeking variances to build a 600 sq. ft. pool, hot tub and patio.
- Existing shed on property.
- Rear yard Setback of 8’ where 15’ is required.
- West Side Yard Setback will be 11’ where 15’ is required.
- East Side Yard Setback will be 10’ for hot tub.
- Impervious coverage of 50.9% where 45% is permitted.
- Existing shed has been there: 5’ from property line.
- Applicant has agreed to all Conditions of Approval.
 - Increase infiltration trenches
 - No backwash; clean with cartridge filter.

Motion to Approve ZB 18-07

Motion: Meyers

Second: Osno

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

Mr. Lane asks if they can start constructing? Ms. Kinney responds that they will need a revised plan before issuing any permits.

5. D. Walker. ZB 18-08.

15 Tuxedo Court, Block 11.53, Lot 6 (LD Zone District)

Applicant is proposing an addition/driveway side yard setback of 3.5’ where 5’ is required, existing basketball court rear yard setback of 2.5’ where 12.5’ is required.

Witnesses:

Danielle Walker, Applicant

Darwin Walker, Applicant

Darwin Walker Testimony:

- Seeking variances for proposed addition.
- Encroaches on Side Yard Setback
- Discusses Basketball Court at rear of the property. Notes that it does not encroach on open space.

- Installed Basketball Court, and at time was told he did not need a permit.
- Mr. Wieliczko asks about a structure noted on survey. Mr. Walker states that it is 3.9' from side yard setback, and is a playhouse. This is also part of the application.
- Discusses Proposed Addition:
 - Create 2 car garage to right side of structure
 - Upstairs with living space.
 - Addition has concrete around it.
 - Mr. Wieliczko talks about 10' of drainage easement. Applicant agrees as COA to not adversely impact drainage, and will remedy conditions if issues with drainage arise.
- Type of Construction is to match existing house. No impact on homes in surrounding area.

Chris Rehmann, Board Engineer Testimony:

- Asks about drainage easement and if it has a pipe? Mr. Walker responds that it is a manhole, and the pipe is underground. It will not impact the site.
- Applicant agrees as COA to fix pipes if they break.
- Mr. Walker states he is unsure if the pipe is the HOA or the Township.
- Mr. Wieliczko notes that the HOA has no objection to approval of application.

Public Comment: None

Board Comment: None

Board Attorney Summary:

- Applicant is requesting 3 variances:
 - Side yard setback of 3.5' where 5' is required.
 - Existing basketball court of 2.5' where 12.5' is required. Pre-existing condition.
 - Playset of 3'5 from side yard setback, where 5' is required.

Motion to Approve ZB 18-08

Motion: Meyers

Second: Shah

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

Communications/Organization

Next Meeting: April 16, 2018

Resolutions

ZB 18-03

Motion: Alperin

Second: Parikh

Ayes: Alperin, Meyers, Parikh

Meeting Adjourned at 8:36pm.