

**TOWNSHIP OF EVESHAM**

**Zoning Board**

**Minutes**

**7:00 pm**

**March 18, 2019**

**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, Davé, Lutner, Student, Osno, Wilson, Thompson, Parikh

**Also Present:** Wieliczko, Jordan, Jamanow, Boulton

**Absent:** Rodgers, Wessner, Shah

**Continuation of Scheduled Matters**

St. Joan of Arc

ZB19-04

April 15, 2019

**Meeting Minutes:**

February 25, 2019

Motion:

Second:

Ayes:

**Unfinished/New Business**

**1. John Skordos ZB19-03 5-30-19**

*8 Dominion Drive, Block 32.07, Lot 34, (MD Zone District)*

*Applicant is proposing 12'x12' shed 2' from right side property line. As per Chapter 160-64E2(b), must meet the minimum 5' setback requirement*

**Witnesses sworn in:**

- John Skordos, Homeowners

**Board Solicitor:**

- Applicant is seeking a variance for an existing shed within 5' of the side yard property line
- Shed was built and Applicant was not aware of the Ordinance for setbacks
- Applicant made application with marked up site plans noting various irrigation systems and a garden, etc. in backyard
- Chair and Board Members should note that the Applicant made himself available to me today for a phone call and also spoke with myself, the Director of Community Development and the Secretary prior to the meeting tonight

- With regard to the application at this point the Applicant wishes to withdrawal the application and go to the Zoning Office to complete an application for a compliant shed and the installation in the backyard within 5’ of the property lines
- Applicant agreed
- In a location that is approved by the Zoning Officer and also by Community Development
- Applicant agreed
- Secretary will mark this Application as withdrawn with no formal action necessary and no corresponding Resolution or action date necessary
- We thank the Applicant for the professional manner in which he dealt with the staff and everyone today and we look forward to him completing his application in the Zoning Office
- Advised applicant that application should be completed within next 7 business days as there is still a violation notice with regard to the shed
- Applicant agreed to proceed in good faith

**2. Barbara Hill ZB19-06 6-26-19**

*50 S. Locust Ave., Block 26.08, Lot 14, (MD Zone District)*

*Applicant is proposing an 18’x38’ in-ground pool. Per Chapter 62-62A, “Pools shall be located in rear or side yard areas only and shall meet the setback distances for accessory buildings as specified in Chapter 160, Zoning, for each particular zoning district, except that in no case shall a swimming pool be closer than 15’ to any lot line.” Front setback at 21’ where 30’ is required and setback of 2’ (pool equipment) where 15’ is required*

Witnesses sworn in:

- James and Barbara Hill, Homeowners
- Bernie McNamee, Pool Designer, Pacific Pools

Board Solicitor Overview:

- The Chair and Board should know that the Director of Community Development and I spoke to the Applicant and their professional prior to the meeting this evening
- The Applicant is seeking (2) variances
- (1) variance for a north yard setback of 21’ where 30’ is required for the pool and deck
- Corner lot; corner of Locust Ave and Florence Ave; confusion to what the front yard and side yard is for setbacks
- Dwelling is 12.8’ from property line on Florence Avenue
- Pool and decking is much less than that; 21’ from Florence Avenue; requirement off Florence is 30’
- (2) is application for bulk variance for the pool equipment

Bernie McNamee, Pacific Pools Testimony

- Pouring a concrete pad of 3’ x 6’
- A variable speed pool pump and a cartridge filter
- Piping in front stick out additional 2’
- Total footprint of 5’ x 6’
- Board Solicitor asked if there was an existing shed

- Applicant answered yes and agreed as a Condition of Approval that the shed will be moved so that it is 5' from all property lines
- Board Solicitor referenced the modification to the pool equipment that is being requested by the Applicant
- Variance now being sought is not a 2' setback but is an 8' setback from the property line for purposes of installation of pool equipment
- Applicant agreed and also agreed as a Condition of Approval to work with and coordinate the placement of the pool equipment with the Zoning Officer and Community Development in location acceptable to them
- Cartridge filter system does not cause backwash; no water flow to land or hose to street

Ray Jordan, Township Engineer Testimony:

- Review letter dated March 11, 2019
- Applicant agreed to all Conditions of Approval noted in the review letter
- Grading shows pool water to drain to west towards rear property line
- Applicant agreed as Condition of Approval to not cause unfavorable drainage to neighbors
- Any debris removed will be taken to an approved offsite location and existing sidewalks or curbs damaged as a result of equipment that needs to be repaired or replaced will be at owner's expense
- Applicant agreed as a Condition of Approval

Bernie McNamee, Pacific Pools Testimony

- Drainage will not affect neighbors to the west; grading plan not changing the direction in which the water is going to flow
- Presently draining from home to rear property line
- Rear setback of 15' measured to concrete; in compliance asking for 18'
- Decided to remove portion of concrete on backside of pool to provide more permeable soil to alleviate any concern the Board may have with storm water; shown on pool grading plan
- Not changing or manipulating the direction the water is flowing

Board Solicitor:

- Applicant agrees they will not cause a negative drainage or any surface water to home on Lot 13
- Applicant agreed
- All neighbors were notified with signatures provided and there was no opposition
- If grading change or damage caused; Applicant agreed as Condition of Approval to remedy

Board Comment:

- Mr. Student inquired about the fence around the property; asked if it was modified
- Applicant replied that it is the same fence but will fix gate so it opens out
- Mr. Student noted the neighbors will notice no change
- Applicant agreed

Public Comment:

- None

Board Solicitor:

- Applicant is proposing an 18' x 38' in-ground pool
- Seeking 2 variances; 1 north yard setback of 21' of pool and decking where 30' is required; detailed testimony that this is a corner lot causing difficulty determining what front yard and side yard setbacks apply
- Detailed that home on Florence Ave is approximately 12.8' from property line and proposed pool and decking will be within the footprint line of home and 21' from Florence Ave property line
- Application was modified with regard to pool equipment
- We appreciate the time that the Applicant took with us to discuss the application with regard to pool equipment initially proposed to be 2' off of the south side yard property line
- Applicant has now requested a variance of 8ft from property lines for pool equipment at location and manner acceptable to the Director of Community Development
- Applicant agreed as a Condition of Approval that existing shed will be made compliant 5' from all property lines
- Applicant has also agreed to all Conditions set forth in Engineers review letter; including not causing negative impact or drainage to Lot 13 and specifics with regard to all excavation and repair of sidewalks and curbs
- Applicant agreed to not alter any grading and if they do inadvertently; remedy will be at their expense including all landscaping of any neighbor that has damage
- Mr. Alperin asked that they provide a plan showing all of the revisions discussed and agreed to
- Applicant asked if it can be simply to scale on the site plan
- Will provide to scale on the site plan once agreed upon with Director of Community Development; have on file so when built we have exactly what was agreed upon
- If approved, nothing more and nothing less

Motion to Approve ZB19-06

Motion: Student

Second: Davé

Ayes: Alperin, Davé, Lutner, Student, Osno, Wilson, Parikh

**Resolutions**

ZB 18-40

Motion: Alperin

Second: Davé

Ayes: Alperin, Davé, Lutner, Wilson, Student, Parikh

ZB 18-37

Motion: Alperin

Second: Parikh

Ayes: Alperin, Davé, Lutner, Wilson, Student, Parikh

ZB 19-02

Motion: Parikh

Second: Davé

Ayes: Alperin, Davé, Lutner, Wilson, Student, Parikh

**Communications/Organization**

Next Meeting: April 15, 2019

**Meeting adjourned at 7:37 pm**