

TOWNSHIP OF EVESHAM
Zoning Board of Adjustment
Minutes

October 19, 2020

7:00 P.M.

Municipal Building

Via Video Teleconferencing

Call to Order

Meeting brought to order by Chairperson Student at 7:00 P.M.

Flag Salute

Statement of Conformance with Open Public Meetings Act

Vice-Chairman Thompson made the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Legislation and in accordance with the April 2, 2020 recommendations of the New Jersey Department of Community Affairs in hosting the Zoning Board meeting via video teleconferencing

Roll Call

Present: Carragher, Fox, Lutner, Thomas, Thompson, Osno, Grantner, Paetzold, Student
Absent: Wessner

Staff: Wieliczko, Darji, Rijs, Kinney

Continuation of Scheduled Matters:

ZB 20-13 – Adam Fisher, 7 Elmgate Road, Block 32.14, Lot 4

New Business – Change of Schedule made by Chairperson Student

1. Ronald & Leigh Ann Hoerter **ZB 20-14**

29 Euston Road, Block 33.02, Lot 29 (MD Zone)

Mr. & Mrs. Hoerter & Rakesh Darji – sworn

Exhibits – A-1 Survey – 7/8/2020

A-2 Grading Plan – 7/28/2020

Applicant proposing to construct pool

Side yard setback of 7' where 15' is required for pool

Rear yard setback of 7' where 15' is required for pool

Front yard setback of 28' where 30' is required for pool equipment

Applicant feels the proposal will not adversely affect adjoining properties

Applicant agrees to provide a Topography survey by Daren Leeper, PLS

Applicant agrees to show distance of the fence from Utica R

Applicant agrees to show the distance from rear property line to the principal structure on plan

No additional landscaping is proposed at this time

Mr. Darji recommends some landscaping near Lot 14 & Lot 16

Mr. Darji questioned the location of the fence in front yard – 28' where 30' is Required

Mr. Darji asked that the north arrow on the grading plan match the direction depicted by the north arrow on the survey

Applicant agreed to have pool grading plan amended to details noted by Mr. Darji

Applicant agreed to conditions of swale be acceptable to Mr. Darji

Cartridge filter system will be used

Rosemay Franco – Design Consultant – Swim-Mor Pools agrees with applicant

Board Comment – NONE

Public Comment – NONE

Motion to approve ZB 20-14 Hoerter – Lutner

Second – Carragher

Ayes: Lutner, Carragher, Fox, Thompson, Thomas, Osno, Student

2. Thomas G. Zink

ZB 20-15

3 Tylor Lane, Block 32.04, Lot 29 (MD Zone)

Mr. Zink & Mr. Darji – sworn

Exhibits – A-1 Survey

A-2 Color Rendering (to be provided to office)

Applicant is proposing to construct a pool

Side yard setback of 8' where 15' is required for pool

Rear yard setback of 5' where 15' is required for pool

Side yard setback of 5' where 15' is required for pool equipment

Applicant feels the proposal will not adversely affect adjoining properties

Adjacent properties have pools

Applicant to replace 4' fence with 6' fence

Pool equipment will be located near existing AC unit and will be enclosed

Higher end pool equipment will be used to insure less sound

Pool to be installed by Pool Designs located in Trenton, NJ

Applicant testified that the stormwater runoff will flow to the southeast corner of the property

Applicant is purchasing a sub-system to prevent ponding

Existing landscaping to remain

Applicant agrees to all comment and conditions set forth in ERI letter dated 10-16-2020

Applicant agrees to supply document to Community Development with information sump pump and discharge, landscaping along perimeter, Exhibit A-2 Color rendering

Board Comment – NONE

Public Comment – None

Motion to approved ZB 20-15 Zink – Osno
Second – Lutner

Ayes: Lutner, Carragher, Fox, Thompson, Thomas, Osno, Student

3. Jeffrey Lemberski

ZB 20-09

26 Birchwood Drive, Block 1.04, Lot 54 (MD Zone)

Mr. Lemberski & Mr. Darji sworn

Mr. Wieliczko gave overview of prior approvals given in 2016 for installation of a pool

Early this year after inspection of property, Mr. Lemberski made additional improvements not included in 2016 – ZB 16-02

Installation of 2' x 13' additional concrete surface with 0' side yard setback

10' x 10' additional stone surface with 0' setback

1'6" x 10' pavers with 0' setback

12' x 10' gazebo on proposed additional impervious surface

Increase of impervious surface to 51.5%

Mr. Wieliczko has spoken with Mr. Lemberski and his neighbors, Ms. Godfrey and Ms. Hernandez

Mr. Wieliczko reviewed with them the letters from ERI (Mr. Darji) dated June 9, 2020 and August 20, 2020

Mr. Lemberski presented a power point consisting of 11 pages, showing existing condition and improvement made

Mr. Lemberski also stated he had a video – Mr. Student asked that the video not be shown

Board Member Lutner addressed Mr. Lemberski about going through the process in 2016 and when making the additional improvements why he did not come back to the board – Mr. Lemberski had no answer

Board Member Fox asked how long the shed have been in the location shown – Mr. Lemberski stated 2016 before any variances

Board Member Osno asked about the installation of the patio and how it came up to the property line

Mr. Lemberski did not think it was a problem
Board Member Fox addressed the setback and impervious coverage relief given in 2016

Board Member Thomas asked If wood behind landscaping in berm is functional
Mr. Darji – do not see often but is functional

Board Member Osno asked who installed the additional drainage – Eric's Landscaping

Mr. Darji has visited site and did evaluate the drainage on the western property line and seems to be functioning

Mr. Wieliczko referred to the two review letters by ERI, dated 6-9-2020 & 8-20-2020

Mr. Darji visited site and Mr. Lemberski agrees to recommendations made

Applicant should install an additional drainage inlet at the southeast corner of the property, behind shed – applicant agrees as

Related to shed

Applicant should construct a drainage inlet at the eastern property line just beyond the intersection of his fence with the side

property line acceptable to Mr. Darji

If pavers remain adjacent to the property line, pavers be reset to provide a ½' spacing filling with a porous fine gravel material so

as to promote infiltration

Applicant should agree to get permits for curb cuts for pipe installed

Calculations and design of the site modifications noted should be prepared by a licensed engineer and acceptable to Mr. Darji

Break – 10:00 – 10:10

Roll Call – Carragher, Fox, Lutner, Thomas, Thompson, Osno, Grantner, Peatzold, Student

Board Member Osno asked if replacing shed would be a better option

Mr. Darji stated that the applicant is asking relief of the location of the shed

Public Portion

Karen Hernandez, 24 Birchwood Drive – sworn

Ms. Hernandez referred to email sent to township dated 8-20-2020 with her concerns

Ms. Hernandez stated that the irrigation heads that the applicant agreed to removed have not been done

Linda Godfrey, 28 Birchwood Drive – sworn

Applauds Board for their professionalism

Agrees with ERI's recommendations
Would like any work done in a timely manner
Showed 4 photos – Exhibit O-1 – front easterly property line

Public Portion – Closed

Mr. Lemberski stated that all 6 irrigation heads have been removed, only stems remain

Ms. Hernandez stated that the irrigation system runs daily
Mr. Lemberski stated is does not

Mr. Wieliczko summarized:

Applicant seeking bulks variances:

1. Location of shed – 2.3" side yard, 2' rear yard where 5' required
2. Impervious Coverage – 49.5% where a maximum of 45% is permitted
3. Pool decking – 11.5' where 15' is required
4. Gazebo – rear yard setback 11.2' where 12 ½' is required
5. Pavers – 0' setback where 10' is required
6. Applicant agrees to condition set forth in the ERI review letters dated 6-9-2020 and 8-20-2020 and conditions set forth in the prior approval ZB 16-02

Board Comment

Mr. Lutner questioned if Mr. Lemberskie's power point information was accurate
Mr. Osno asked if a time line for the work to be completed could be set

Motion to DENY ZB 20-09 Jeffrey Lemberskie – Thompson

Second – Fox

Ayes: Lutner, Carragher, Fox, Thompson, Thomas, Osno, Student

Mr. Wieliczko polled board for comments on denial

Mr. Lutner – not enough information and unanswered questions

Mr. Carragher – applicant did not meet the burden of proof

Mr. Fox – does not meet burden of proof

Ms. Thomas – has concerns – need more clarity

Mr. Thompson – inconsistencies

Mr. Osno – agrees with other members

Mr. Student – disregard for prior approval and not meet the public good

Page 6

October 19, 2020

Minutes – September 21, 2020

Motion to approve - Osno

Second – Lutner

Ayes: Lutner, Carragher, Fox, Thompson, Thomas, Osno, Student

Resolutions: None

Public Comment – None

Next Meeting – November 16, 2020

Meeting adjourned: 11:00 p.m.